

## RESOLUTION NO. 3924

### A RESOLUTION PROVIDING FOR PROCEDURES TO ASSURE PUBLIC PARTICIPATION IN GOVERNMENTAL DECISIONS OF THE CITY OF MILES CITY GOVERNMENT.

**WHEREAS**, Article II, Section 8 of the 1972 Montana Constitution provides for a right of public participation in governmental decisions prior to their final adoption;

**AND WHEREAS**, §2-3-103 MCA mandates each local government to establish procedures for permitting and encouraging the public to participate in governmental decisions;

**AND WHEREAS**, the City of Miles City desires to establish rules and procedures providing for public participation prior to final action on decisions of the City of Miles City government that are of significant interest to the public;

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

1. **Meetings Covered by Rules and Procedures.** These rules and procedures shall apply to, but are not limited to, all regular and special City Council meetings, Committee of the Whole meetings, City Council Committee meetings, and meetings of the Miles City Zoning Commission, Miles City Board of Appeals, Library Board, Historical Preservation Commission, Miles City Housing Authority, Planning, and Downtown Urban Renewal Agency Board.

In order to meet the intent of this resolution, no items other than emergent (which may include claims) will be carried forth to a City Council meeting if such meetings occur the Thursday, Friday or Monday prior to a regularly scheduled City Council meeting; it will be carried to the next regularly scheduled City Council meeting.

2. **Agendas.** The presiding officer, or designee, for all covered meetings, shall cause to be prepared and distributed, prior to the meeting

3. **Posting and Distribution of Agenda.** At least 48 hours, excluding weekends, prior to the date and time of the meeting the City Clerk shall:

- a. post the agenda on the City Hall bulletin board;
- b. post the agenda to the City's internet website;
- c. transmit by facsimile or otherwise deliver a copy of the agenda to the City Library for posting;
- d. transmit by facsimile or otherwise deliver a copy of the agenda to each broadcast media that maintains a transmitting studio in Custer County, Montana and each newspaper of general circulation in Custer County, Montana that publishes daily editions at least five (5) days per week; and
- e. maintain a written record of the time of posting and transmittal of each agenda accompanied by a copy of the agenda posted.

4. **Distribution of Agenda to Public.** The City Clerk shall provide, upon request of a member of the public, a copy of the posted agenda without charge.

5. **Council Packets.** Persons responsible for providing supporting documents for agenda topics for the regularly scheduled City Council meeting agendas will ensure that the City Clerk is provided the documentation in order for the City Clerk to prepare and distribute "Council Packets", including the agenda and all supporting documents, to the Mayor, City Council members, and the media (as described in Subsection 3(d) above) no later than 1:00 p.m. on the Friday immediately preceding the regularly scheduled City Council meeting.

6. **Non-Agenda Items.** The presiding officer at each covered meeting will ensure that action on any topic presented during a meeting which was not included as a topic on the agenda for such meeting, and which is of significant interest to the public, is deferred until the next scheduled meeting and is included in the agenda for such next meeting.

7. **Emergent Situations.** In the event that emergent or other extenuating circumstances, as determined by the presiding officer, do not allow sufficient time for the 48 hour minimum notice provided above, the following procedure shall apply:

- a. The City Clerk shall immediately post the agenda on the City Hall bulletin board;
- b. The City Clerk shall immediately post the agenda to the City's Internet website;
- c. The City Clerk shall immediately transmit by facsimile or otherwise deliver a copy of the agenda to the City Library for posting;
- d. The City Clerk shall immediately transmit by facsimile or otherwise deliver a copy of the agenda to each broadcast media that maintains a transmitting study in Custer County, Montana and advise each broadcast station of its obligation under Section 2-3-106 through 107 MCA, including their obligation to retain a copy of each notice broadcast.
- e. The City Clerk shall maintain a written record of the time of posting and transmittal of each agenda under this section, accompanied by a copy of the agenda posted and shall obtain from each broadcast station who broadcast the agenda an affidavit of publication as provided by Section 2-3-107 MCA.

8. **Opportunity of Public to Submit Views.** Prior to final action on any issue of significant interest to the public, the presiding officer, at each meeting, shall afford members of the public a reasonable opportunity to submit data, views, or arguments, orally, or in written form.

The presiding officer is permitted to provide reasonable limitations on the timing and duration of such presentations. All public comments shall be addressed to the presiding officer and committee or board members rather than to other presenters or the audience.

9. **Exceptions.** The above provisions do not apply to:

- a. a governmental decision that must be made to deal with an emergency situation affecting the public health, welfare, or safety;
- b. a governmental decision that must be made to maintain or protect the interests of the government, including, but not limited to, the filing of a lawsuit in a court of law or becoming a party to an administrative proceeding; or
- c. a governmental decision involving no more than a ministerial act.

10. **Open Meetings.** All meetings, as defined by Section 2-3-202 MCA, shall be open to the public. Provided, however, the presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about who the discussion pertains, and, in that event, the meeting must be open.

11. **Exceptions to Open Meeting Requirement.** A meeting may be closed 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 public agency. A meeting may not be closed to discuss strategy to be followed in litigation where the only parties are public bodies or associations described in Section 2-3-203(1) or (2) MCA.

12. **Recording of Meetings.** Accredited press representatives may not be excluded from any open meeting and may not be prohibited from taking photographs, televising, or recording such meetings. The presiding Officer may assure that such activities do not interfere with the conduct of the meeting.


13. **Minutes of Meetings; Public Inspection of Minutes.** Appropriate minutes of all meetings required to be opened hereunder shall be kept and available for inspection by the public. Such minutes shall include, at a minimum:

- a. the date, time and place of the meeting;
- b. a list of the individual members of the committee or board in attendance;
- c. the substance of all matters proposed, discussed, or decided; and
- d. at the request of any members of the committee or board, a record by individual members of any votes taken.

14. **Conformance with State Statute.** Should any state statute, rule or regulation require notice of greater duration or posting, publication or mailing, other than is provided for herein, such statute, rule or regulation shall take precedence over the rules and procedures provided for herein.

15. **Effective Date.** This resolution, and the rules and procedures provided for herein, shall become effective upon its final passage.

**SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 24<sup>th</sup>  
DAY OF MAY, 2016.**

  
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John Hollowell, Mayor

**ATTEST:**

  
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Lorrie Pearce, City Clerk