

ORDINANCE NO. 06-5355

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 2-213, 2-214, AND 2-222; UPDATING PROCEDURE FOR AMENDING AGENDA AT THE COUNCIL MEETING, MOVING BOARD AND COMMISSION REPORTS TO THE WORK SESSION, AND UPDATING PUBLIC PARTICIPATION LANGUAGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That Section 2-213 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 2-213. Proposed agenda.

- (a) The city administrator shall prepare a draft regular meeting agenda and shall provide the same to the mayor and city councilmembers in accordance with an agreed process designed to provide them with sufficient time and opportunity to review the draft agenda and request changes therein prior to its finalization.
- (b) The city administrator shall prepare the final agenda of business to be considered at the regular meeting with recommendations and proposed ordinances and resolutions attached and shall transmit copies of the same to the mayor and councilmembers on or before close of business on the Monday preceding the regular meeting at which the matters are to be considered. Agenda items may only be removed from the agenda by the consent of a three-fourths majority of the councilmembers present.
- (c) Only matters that appear on the agenda shall be considered by the council at its regular meeting; ~~m~~Matters that are ministerial or deemed not of significant interest to the public may be added by consent of a three-fourths majority of all councilmembers present.

Section 2. That Section 2-214 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 2-214. Order of business for regular meetings.

At all regular meetings of the city council the order of business shall be as follows:

- (1) Call to Order;
- (2) Pledge of Allegiance;
- (3) Invocation;
- (4) Roll call;
- (5) Correcting, if necessary, and approving minutes of the last meeting or meetings;
- (6) Courtesies;
- (7) Proclamations;
- (8) ~~Board, commission, and~~ Council reports;

- (9) Administrator reports;
- (10) Public comment on "non-public hearing" items on the published agenda. This section of the agenda is used for public comment on any item on the agenda that is not listed for an individual public hearing. Speakers are requested to indicate their desire to speak and which item or items on which they wish to offer comment by filling in their name, address and agenda item number or subject on a prepared "sign in" sheet. The length of time a speaker may speak is limited and is set by the mayor or presiding officer of the meeting.
- (11) Consent agenda. This section of the agenda is used for items of a routine or non-controversial nature that do not statutorily require a public hearing, yet still require action by the city council. The collective list of items on the consent agenda is considered by the city council in one motion. Individual consent agenda items may be separated by request of a councilmember for individual consideration by the city council and subsequently voted upon individually.
- (12) Regular agenda. This section of the agenda constitutes an individually numbered listing of business items either:
- a. Requiring a public hearing prior to council action,
 - b. Giving a special informational presentation, or
 - c. Any item that may be either controversial in nature or requires separate time by the council to fully discuss the matter prior to rendering a final and binding decision.
- (13) Public comment on "non-agenda" items. This section of the agenda is used for public comment on any matter or subject that is not included on the published agenda for that meeting. Speakers are requested to indicate their desire to speak and what item or topic on which they wish to offer comment by filling in their name, address and subject on a prepared "sign in" sheet. The length of time a speaker may speak is limited and is set by the mayor or presiding officer of the meeting. The city council does not take any formal action on these items, but may direct the city administrator to assign staff for follow up on an item.
- (14) Council initiatives. This section of the agenda is reserved for individual councilmember requests for future legislative or staff action. These shall be limited to giving direction to staff to assist in formulating policies, work plans, etc. for future consideration of the city council. An initiative moves forward by majority vote of the city council.
- (15) Adjourn.
- The order of business may be altered for any meeting by a majority vote of the councilmembers present. The order of business for any special meeting shall be specified in the notice calling for the special meeting.

Section 3. That Section 2-222 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 2-222. Rules of procedure for work sessions.

The proceedings of the city council while meeting in work sessions shall be governed by the following rules:

- (1) The meeting shall be convened and adjourned by the mayor.
- (2) ~~No motions will be entertained nor votes taken.~~ The city administrator or designee shall prepare an agenda for each meeting. Minutes shall be taken and distributed in accordance with Sections 2-215 and 2-216.
- (3) Motions will be entertained and votes taken only for purposes of giving city staff direction on matters that will be presented for final action at a future city council meeting.

~~(3)~~ (4) The mayor shall be responsible for recognizing those who would like to speak and generally enforcing a productive decorum.

(5) Reports from boards and commissions will be heard.

~~(4)~~ (6) Presentations on agenda items will be provided by city staff or designees.

(7) A public comment period shall be provided at each meeting. The presiding officer may set time limits for the comments.

~~(5) No public comment or testimony will be taken.~~

~~(6) No parties to decisions scheduled to come before the city council for a vote will be recognized or otherwise provided an opportunity to engage the city council in discussion.~~

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 19th day of December, 2005.

PASSED, ADOPTED and APPROVED on second reading this 9th. day of January, 2006.

CITY OF BILLINGS

By _____
Ron Tussing Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk