

**BROADWATER COUNTY COMMISSIONERS**  
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RESOLUTION 2024 - 7

## **Broadwater County Public Process Policy**

### **PART I. General Provisions**

**Section 1.01 Purpose.** The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the Board of County Commissioners of Broadwater County. These rules of procedure are intended to assure that the Commission can accomplish its work efficiently, in full view of the public, and with a reasonable opportunity for the public to participate in the deliberations and decisions of its county government.

**Section 1.02 Authority.** These rules of procedure are promulgated pursuant to and supplement Title 7, Chapter 5, Part 21; Title 7, Chapter 1; and Title 2, Montana Code Annotated (MCA).

### **PART II. Public Participation**

**Section 2.01 Policy.** The Broadwater County Commission shall afford citizens access to the participation of government actions and access to government information. Article II, Sections 8 and 9 of the Montana Constitution. It is the policy of Broadwater County that the public shall be afforded a reasonable opportunity to participate in the operation of county government prior to the final decision of the Board of County Commissioners 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;
2. Adopting, implementing, interpreting, prescribing, or altering an ordinance, rule, or policy of the county;

3. Relating to the issuance, denial, or revocation of any license, order, contract or franchise; or

4. Relating to the budgetary and financial affairs of the county.

**Section 2.02 Open Meetings.** A meeting of the Board of County Commissioners is defined as a quorum of Commissioners convened to hear, discuss or act upon any matter over which they have jurisdiction. All meetings of the Board of County Commissioners shall be open to the public, according to Montana law. Title 2, Chapter 3, MCA. However, the Presiding Officer of the Board may close any 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, or for legal strategy.

**Section 2.03 Notice.** The Board of County Commissioners shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law and contained in the Broadwater County Commission Meeting Agenda and Open Meeting Policy.

### **PART III. Procedures.**

**Section 3.01 Agenda Preparation.** Proposed ordinances, resolutions, reports, recommendations, contracts, and all other matters requiring consideration, discussion, or decision by the Board of County Commissioners shall be submitted for inclusion on the Commission Meeting agenda. The Presiding Officer shall arrange the matters requiring discussion or action into an agenda, items on the agenda shall include the topic and details of the issue to be considered. If the topic is a new item or presentation, a copy of the presentation must be submitted to the Commission with the agenda request prior to inclusion on the agenda. The Presiding Officer shall make the final decision, but the agenda shall be reviewed prior to publication by the Commission. If there is disagreement over an agenda item, a majority vote of the Commission will make the final determination. Copies of the agenda shall be readily available.

### **PART IV. Rules of Commission Participation.**

**Section 4.01 Policy.** To provide for the effective participation by all members of the Board of County Commissioners and to protect the right of participation by members of the public appearing before the Commission, all meetings of the Board of County Commissioners shall be conducted in general conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with law or where Robert's Rules of Order are not conducive to a three-person board. Any commissioner can bring information forth, make a motion, second a motion, and shall vote.

**Section 4.02 Rules.** Commission debate shall proceed in accordance with the following rules:

1. A Commissioner desiring to speak shall address the Presiding Officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language or physical aggression.
2. A Commissioner once recognized, shall not be interrupted when speaking unless it is to call him or her to order by the chair. If, while speaking, a Commissioner is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or she shall be permitted to proceed.
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 member of the Commission but must be seconded prior to vote. If the motion is not seconded it shall be declared failed for lack of a second by the Presiding Officer.
5. A motion to reconsider any action taken by the Commission may be made the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Commissioner of the prevailing side, but may be seconded by any Commissioner and it shall be debatable.
6. Nothing herein shall be construed to prevent any member of the Commission from making or remaking the same or any other proper motion at a subsequent meeting of the Commission but the matter must be a scheduled agenda item.

**Section 4.03 Majority of Whole Commission Required.** The affirmative vote of two Commissioners is required to adopt any measure unless a greater number of votes may be required by law or ordinance.

**Section 4.04 Duty to Vote.** It shall be the duty of each commissioner to vote in the affirmative or negative on each motion duly placed before the Commission by the Presiding Officer. A commissioner should make a brief explanation of the reason why she or he voted in a particular way. A Commissioner can vote if personally present or present on the phone or video.

**Section 4.05 Proxy Voting.** A Commissioner who is not present in the meeting at the time a motion is put to a vote cannot vote. Commissioners shall not be permitted to vote by a proxy vote or by written vote.

**Section 4.06 Conflict of Interest.** All Commission members shall avoid a conflict of interest in their official duties and decisions, as instructed in Montana Code of Ethics, Title 2, Chapter 2, MCA, and Section 7-5-2106, MCA.

## **PART V. Presentation to the Commission.**

**Section 5.01 Procedures.** The general procedure by which items are handled by the Commission at other than public hearings shall be as follows:

1. The Presiding Officer presents the item to the Commission along with a brief summary of the matter for discussion.
2. For the purpose of clarification and after recognition by the Presiding Officer, Commissioners may direct questions about the item to the Presiding Officer, staff member, applicant, or applicant's representative.
3. The Presiding Officer will then invite members of the audience to present or submit testimony. Public comment may be limited by the Presiding Officer.
4. Staff members, applications, or their representatives and members of the audience will be treated with equity, courtesy, and respect and will be expected to conduct themselves in the same manner.
5. All testimony shall be directed to the Presiding Officer.
6. Deliberation by the Commission shall be made in full view of the public. Debate shall be based on facts and evidence, and opposition shall be substantive to encourage communication and compromise. Discourse will avoid abusive and indecorous language or physical aggression.
7. The Commission may, upon a proper motion and second, vote on the matter or postpone the matter until a date certain.

## **PART VI. Public Hearings**

**Section 6.01 Procedures.** When required by law, the Commission shall conduct public hearings pursuant to following the guidelines in Title 2, Chapter 3, MCA. A public hearing is conducted separately from a General Commission meeting, but may be held within a General Commission meeting by closing that meeting, opening the public hearing then repeating the process to close the public hearing and open the General Commission meeting. Public testimony will be presented to the Commission in the same format as described in PART V, except that witnesses may be required to testify under oath as provided by law in which case the Commission shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The Presiding Officer shall rule on all questions relating to the admissibility of testimony or evidence and may request advice from the County Attorney. The ruling of the Presiding Officer may be overruled by a majority vote of the Commission. Additionally, the following rules of procedure shall apply:

1. The Presiding Officer will present the item to the Commission and read in full the applicable Resolution under consideration.
2. The proponents or opponents, their agent or attorney, may submit petitions and letters prior to the closing of the hearing, and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.
3. Staff members, applicants, or their representatives and members of the audience will be treated with equity, courtesy, and respect and will be expected to conduct themselves in the same manner.
4. All testimony shall be directed to the Presiding Officer.
5. Following the presentation of all testimony and evidence, the Commission may: (1) Continue the hearing to a date certain to allow additional information to be submitted; (2) Close the public hearing and proceed to Commission debate of the matter; or (3) Continue the Commission debate and vote to a date certain.
6. Commission debate on the matter shall be made in full view of the public. Debate shall be based on facts and evidence, and opposition shall be substantive to encourage communication and compromise. Discourse will avoid abusive and indecorous language or physical aggression.
7. A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Commission, upon a motion duly made, seconded, and passed, may call for an additional public hearing which hearing shall be duly noticed as required by law and this policy.

## **PART VII. Guide for Public Participation**

**Section 7.01 Guidelines for Public Participation.** The following guidelines shall serve to assure reasonable and fair public participation in the decisions of the County Commission.

1. The public shall be invited to speak on any item under consideration by the Commission after recognition by the Presiding Officer.
2. The speaker should stand (if physically able) and state and spell their name for the record, along with the name of the organization he or she represents and any specific expertise they may possess.
3. The Presiding Officer may recognize a member of the viewing public as an informational or expert witness at their discretion.

4. The Presiding Officer may limit public comment in an equitable manner.

5. Prepared statements are welcomed and should be given to the Presiding Officer and noted in the minutes of the meeting. All statements presented must be authored, signed, and contain an address. All prepared statements shall become a part of the permanent record.

6. While the Commission is in session, members of the public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Commission nor disturb any member of the public or of the Commission while speaking or refuse to obey the orders of the Presiding Officer of the Commission. Such actions will result in the removal of such individuals from the meeting.

7. Any person who, while testifying, uses indecorous or abusive language or who becomes boisterous or disruptive shall be barred from further presentation to the Commission by the Presiding Officer, unless permission to continue is granted by a majority vote of the Commission.

#### **PART VIII. Decorum**

**Section 8.01 Commission Conduct.** The Commission will conduct themselves professionally at all times and treat the position of Commissioner seriously and respectfully.

1. Commissioners shall be prepared with a knowledge of the issues on the agenda.

2. Staff members, members of the audience, citizens, and commissioners will be treated with equity, courtesy, and respect and will be expected to conduct themselves in the same manner.

3. Public comment may be limited by the Presiding Officer.

4. All testimony shall be directed to the Presiding Officer.

5. Deliberation by the Commission shall be made in full view of the public. Debate will be based on facts and evidence, and opposition will be substantive to encourage communication and compromise. Discourse will avoid abusive and indecorous language or physical aggression.

6. The Commission may, upon a proper motion and second, vote on the matter or postpone the matter until a date certain.

## PART IX. Ordinances and Resolutions

**Section 9.01 Ordinances.** Except as provided by law, proposed ordinances may be introduced only by a member of the Board of County Commissioners and in the following manner:

1. A draft of a proposed ordinance shall be presented to the Commission prior to being included as an agenda item. This does not include an emergency ordinance which may be acted upon by the Commission as provided by law at Title 7, Chapter 5, Part 1, MCA.
2. If the draft ordinance is provisionally adopted by the Commission during this first reading, it shall then be placed on the agenda for a second reading and final adoption occurring at least twelve (12) days after the first reading and provisional adoption. After being provisionally adopted, the ordinance shall be posted in a conspicuous place on the posting board (i.e. the courthouse, Broadwater County Website) and copies thereof shall be available to the public.
3. The reading of the ordinance's title and number shall be sufficient to constitute a reading and an actual oral pronouncement of each word contained therein of the proposed ordinance or resolution is not required and shall be waived unless required by a majority vote of the Commission.
4. All ordinances, except emergency ordinances, shall become effective thirty (30) days after the second reading and final adoption. All emergency ordinances shall become effective at the time indicated therein.

**Section 9.02 Resolutions.** A Resolution is a statement of policy by the governing body or an order by the governing body that a specific action is taken. Section 7-1-4121(22), MCA.

Resolutions may be introduced at any time by a member of the Board of County Commissioners, in the form required by the Commission. The following process shall be followed:

1. A proposed resolution shall be presented to the Commission as an agenda item during a regularly scheduled meeting. An emergency resolution shall be presented and acted upon by the Commission as provided by law.
2. Resolutions may be submitted and adopted at a single meeting of the governing body. Section 7-1-121(5), MCA.
3. If Montana law requires a Public Hearing for the subject matter or action of a particular Resolution, then the Commission shall observe the Public Hearing procedure as described in PART VI.

4. If Montana law requires the Commission to give Notice by Publication for the subject matter or action of a particular Resolution, then the Commission shall follow the Notice by Publication procedure in Section 7-1-2121, MCA for that particular Resolution.

5. All resolutions shall become effective once they are approved by majority vote of the Board of County Commissioners and signed by the chairperson.

**Section 9.03 Right of Initiative.** The people retain the right to present ordinances and resolutions for adoption by the initiative process, as prescribed by law.

Dated this 3<sup>rd</sup> day of JANUARY, 2024

**BROADWATER COUNTY COMMISSIONERS**



**DARREL FOLKVORD, CHAIR**

ATTEST:



**DEBI RANDOLPH, MEMBER**



**ANGIE PAULSEN, CLERK AND RECORDER**



**LINDSEY RICHTMYER, MEMBER**