

**CITY OF SIDNEY
LOCAL GOVERNMENT REVIEW BOARD
RULES OF PROCEDURE/BYLAWS**

PART I. General Provisions

Section 1.

To assure effective participation by all members of the LGRB and to protect the right of participation by all individuals appearing before the LGRB, all meetings and hearings shall be conducted in general conformance with "Roberts Rules of Order Revised", except as otherwise provided by law.

Section 2.

Any member of the LGRB who has an interest in a matter before the LGRB shall not vote thereon nor seek to influence the vote of other members. (See also Part VI, Sec.1(5) below).

Section 3.

The Administrative Representative shall keep records and perform such other duties as may be required by the LGRB or by law. They shall record and maintain the minutes of the LGRB's proceeding, showing the vote of each member upon every question, or if failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize briefly and accurately the substance of all matters proposed, discussed or decided; shall record the names and addresses of all persons appearing before the council; shall file the minutes and records in the office of the city, which shall become a public record; and shall be the custodian of the files and records of the LGRB.

PART II. Duties of the Presiding Officer

Section 1.

The presiding officer of the LGRB shall be the elected by the LGRB and who shall arrange the meeting agenda, coordinate the affairs of the LGRB, and preside at all meetings of the LGRB.

Section 2.

In the absence or disability of the Presiding Officer, the Vice President of the LGRB shall serve as its presiding officer and may vote as other members of the council.

PART III. Meetings

Section 1.

Regular meetings of the LGRB shall be held on the **2nd Monday of each month at 7:30 p.m.** in the Council Chambers of City Hall, or at such other time and place as designated by the LGRB.

Should the regular meeting day be a recognized holiday the LGRB may, with proper notice, set an alternate day for the meeting.

Section 2.

Special meetings of the LGRB may be called in accordance with Sections 7-5-4102(1)(c) and 7-5-4122, MCA. No business shall be transacted at a special meeting unless it is described in the notice.

Section 3.

To ensure public participation all meetings of the LGRB shall be open to the public except as provided in Section 2-3-203, MCA.

Section 4.

A quorum of the LGRB shall consist of 2 LGRB Members. The affirmative vote of a majority of the members present at a lawful meeting of the Council shall be necessary to adopt or reject any motion, resolution, or ordinance or pass any measure unless a greater number is required by law.

PART IV. Agenda

Section 1.

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the LGRB, shall be submitted by **2:00 p.m. on the Thursday immediately preceding the next regularly scheduled** meeting with the exception that the Presiding Officer may approve late submission when deemed to be in the LGRB's best interest by delivering the same to the Administrative Representative, whereupon the Presiding Officer and/or the Administrative Representative shall immediately arrange a list of such matters according to the order of business specified herein, and provide each member of the LGRB with a copy of the same not later than one working day immediately preceding the LGRB meeting. Copies of the agenda shall be available to the public from the Administrative Representative and one copy shall be posted at the designated posting board in the City Hall for public viewing and the City of Sidney website.

PART V. Order of Business

Section 1.

The presiding officer and/or the Administrative Representative shall prepare the LGRB agenda which shall be in substantially the following form:

Call to order
New Business
Old Business
Questions/Comments from the Public
Questions/Comments from the Board
Adjournment

Unscheduled Matters: An item that is NOT listed on the agenda for the current meeting may be discussed during the session at the discretion of the LGRB. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and vote on a subsequent agenda. As a general rule no matter of significant interest to the public shall be decided by the LGRB without prior notice to the public as a scheduled LGRB agenda item.

Section 2.

The order of business may be adjusted by consent of the LGRB.

PART VI. Rules of Local Government Review Board Debate

Section 1.

LGRB debate shall proceed in accordance with the following rules:

1. Every member desiring to speak shall address the presiding officer and, upon recognition, shall confine himself/herself to the question under debate, avoiding abusive and indecorous language.
2. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking is called to order, she/he shall cease speaking until the question of order is determined, and, if in order, he/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 to reconsider any action taken by the LGRB, may be made only on the day such action was taken or at the next meeting of the LGRB. Such a motion shall be made by a member of the prevailing side, but may be seconded by any member; it shall be debatable and requires a simple majority for adoption.
5. Any member of the LGRB who has an interest as defined by the laws of the State of Montana (Title 2, Chapter 2, MCA) or as advised by the City Attorney shall not participate in the debate nor vote in the matter nor seek to influence the vote of members of the LGRB. Any LGRB member attempting to so participate may be censured by a majority vote of the remaining members of the LGRB. (Censored is defined as a formal

resolution of the legislative body reprimanding a member for specified conduct. It is an official reprimand or condemnation.)

6. If the presiding officer of the LGRB has an interest in a matter pending before the LGRB, as defined by the laws of the State of Montana or as advised by the City Attorney, he/she shall yield the chair to a member of the LGRB during the course of debate and decision concerning the matter in which he/she has an interest.

7. After a motion is duly made and seconded by the LGRB, no person shall address the LGRB without first securing the permission of the presiding officer. The presiding officer shall ask the audience if anyone wishes to comment on the matter at hand. (2-3-103) All comments shall be directed to the presiding officer. Public comment received at a meeting must be incorporated into the official minutes of the meeting. (2-3-212 MCA).

PART VII. Presentation to the Local Government Review Board (Not a Public Hearing)

Section 1.

The general manner in which items presented to the LGRB by the public, other than public hearings are handled by the Council shall be as follows:

1. The presiding officer or staff member presents the item to the LGRB along with a brief summary of the matter for discussion, with or without recommendation.
2. For purpose of clarification, LGRB, after recognition by the presiding officer, may direct questions to the presiding officer or staff member.
3. Upon recognition by the presiding officer, comments from the applicant will be heard by the LGRB.
4. After recognition by the presiding officer, LGRB members may direct questions to the applicant.
5. The presiding officer shall ask the audience if anyone wishes to comment on the matter at hand.
6. All comments shall be directed to the presiding officer.
7. The LGRB may, upon a proper motion and second, vote on the matter at hand or table the matter until a certain date.

PART VIII. Public Hearings

Section 1.

The LGRB may conduct public hearings or may appoint a committee or hearing officer for that purpose as provided in Section 7-1-4131, MCA.

When heard by the LGRB the items will be presented to the LGRB in the same format as

described in PART VII, above.

In addition, when public hearings and public interest matters are being heard and it is anticipated that a large number of citizens may wish to present testimony, the presiding officer, with the consent of the LGRB, may, prior to opening the hearing, establish reasonable guidelines for the conduct of the hearing. The presiding officer shall explain these guidelines to the audience prior to taking testimony.

Section 2.

Witnesses may be required to testify under oath and all testimony shall be directed to the presiding officer.

Section 3.

The LGRB 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, with advice from the City Attorney, rule on all questions relating to the admissibility of testimony or evidence. The ruling of the presiding officer may be overruled by a majority vote of the LGRB.

Section 4.

The proponents or opponents, their agent or attorney, may submit petitions and letters during or 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.

Section 5.

Following the presentation of all comments, testimony and evidence, the LGRB may: (1) *Continue* the hearing to a date certain to allow additional information to be submitted to the LGRB as a body on any unresolved issues; (2) *Close* the public hearing and proceed to LGRB debate of the matter; or (3) *Close the hearing and continue* the LGRB debate and vote to a date certain.

A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the LGRB, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed, specifying date, time, place and subject matter of the hearing.

PART IX. Addressing the Local Government Review Board

Section 1.

The public is invited to speak on any item under discussion by the LGRB after recognition by the presiding officer.

The speaker should stand and, for the record, give his/her name and address and, if applicable, the person, firm, or organization he/she represents.

Prepared statements are welcomed and should be given to the Administrative Representative. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become a part of the hearing record.

Section 2.

While the LGRB is in session, the members must preserve order and decorum. A member shall not delay or interrupt the proceedings or the peace of the LGRB nor disturb any member while speaking or refuse to obey the orders of the LGRB or its presiding officer.

Any person making personal, impertinent or slanderous remarks or who shall become boisterous or disruptive during the LGRB meeting shall be forthwith barred from further presentation to the LGRB by the presiding officer, unless permission to continue is granted by a majority vote of the LGRB.

Adopted _____.