

BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

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RESOLUTION 2024-05 ADOPT COMMISSIONERS' MEETING AND ADMINISTRATIVE PROCEDURES

WHEREAS, the Carbon County Board of Commissioners desire to have consistency in the conduct of their of meetings and management of staff; and


WHEREAS, to achieve that consistency the Board of Commissioners wish to establish Procedures for the conduct of their of meetings and management of staff.

NOW THEREFORE BE IT RESOLVED, the Rules of Procedure attached in Exhibit A are hereby adopted.

NOW THEREFORE BE IT FURTHER RESOLVED, Resolution 2023-10 is hereby rescinded.

PASSED AND ADOPTED, by the Board of Commissioners of Carbon County Montana
THIS 2nd Day of January, 2024.

Carbon County Commissioners


Scott C. Miller
Commissioner Dist. #1


Scott Blain
Commissioner Dist. #2


Bill E. Bullock
Commissioner Dist. #3

ATTEST:


Macque L. Bohleen, Clerk and Recorder

Commissioners' Meeting and Administrative Procedures

Purpose and Authority

Article II of the Montana Constitution sets forth the rights of the people of Montana. Sections of this article specify the people's right to observe their government:

Section 8. Right of participation. *The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.*

Section 9. Right to know. *No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.*

And the U.S. Constitution provides in the 1st Amendment that Congress shall make no law abridging the freedom of the right of the people to peaceably assemble, and to petition the government for redress of grievances. With full compliance to the U.S. and Montana Constitutions, the Carbon County Board of Commissioners promulgate these rules and regulations in order to ensure orderly meetings that encourage public participation. The following guiding principles have been the foundation of the formation of these rules:

- The Commission must act as a body
- The Commission should proceed in the most efficient manner possible.
- The Commission must act by at least a majority.
- Every Commissioner must have an equal opportunity to participate in decision-making.
- The Commissioner's Rules of Procedure must be followed consistently.
- The Commission's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.
- Meetings are accomplished in the spirit of openness with the encouragement of public participation.

No deliberative body can efficiently perform without rules of procedure. While rules cannot ensure civility and comment accuracy, or eliminate demagoguery, clear rules and their fair and consistent application can lead to an orderly process. Our system of government, with its foundation in a robust, free exchange of ideas and lofty First Amendment aspirations, militates against controlled civil discourse. Certainly, civility cannot be mandated, but order has to be maintained. At the same time, the Commission has to provide a broad opportunity for public participation. As said by Justice Felix Frankfurter in *Baumgartner v. United States*, 322 U.S. 665, 673-4 (1944), "One of the prerogatives of American citizenship is the right to criticize public men and measures – and that means not only informed and responsible criticism but the freedom to speak foolishly and without moderation."

The following rules are content-neutral time, place, and manner regulations which are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication. The significant government interest being an orderly meeting.

1. MEETINGS –

1.1 Open Meetings - All meetings of the County Commission are open to the public unless closed as provided by statute and the Constitution of the State of Montana for legal strategy or to protect the Right to Privacy of employees or members of the public. Notice will NOT be given of Consent Agenda items, routine managerial matters, or ministerial actions.

1.2 Regular Meetings - Regular meeting days and times shall be established by resolution per 7-5-2122, MCA. A Quorum of commissioners present at an event or meeting of another entity or organization does not constitute a meeting as long as no issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard (7-5-2122(4), MCA). Issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard, the commissioners present shall provide a report at the commission's next regularly scheduled public meeting.

1.3 Procedure to Change Location of Regular Meeting or to Call a Special Meeting – The Board may, by resolution and having provided at least 2 days' posted public notice in accordance with 7-1-2123 MCA, designate another meeting time or place.

1.4 Emergency Meetings – An emergency meeting may be called by an individual Commissioner to adopt an emergency or disaster declaration pursuant to 10-3-402 and 10-3-403 MCA and to coordinate response to the emergency or disaster being declared. Notice of the meeting will be provided via posting at the location identified in Resolution under 7-1-2121 MCA.

1.5 Meeting Minutes – Commissioners designate their written minutes recorded with the Clerk and Recorder as Official Minutes. Any subsequent recordings are provided to aid in preparing the official minutes or for the public's convenience and will not constitute a permanent record.

1.6 Recordings of Meetings When meetings are recorded, a link to the recording shall be made available on the Commissioners' Department page within five (5) business days according to 2-3-214(2)(a) MCA.

2. AGENDAS

2.1 Agendas – All Regular and Special meetings of the Board of Commissioners shall have an agenda setting forth the order and subjects of business.

2.2 Placing Items on the Agenda – Requests to place an item on the Agenda shall be made to the Administrative Officer by 12:00 (noon) Monday the week before the meeting. This time requirement is to ensure all items are placed on the agenda published in the newspaper. The Presiding Officer may allow an item to be placed on the agenda that is not included in the publication.

2.3 Regular Update meetings - Commissioners have set forth regularly scheduled updates with various elected officials, department heads, and representatives of other entities. These meetings and any associated documents are considered administrative and do not require submittal of information prior to the meeting.

2.4 Presentation of Documents - Non-administrative documents should be presented to the Administrative Officer when an item is placed on the agenda but shall be presented no later than 48 hours before the scheduled meeting time. Each document financially obligating the County shall be separately noticed.

2.5 Agenda item time limits – Commissioners meetings are typically scheduled in 30-minute time slots.

3. CONDUCT OF MEETINGS

3.1 Roberts Rules of Order - This Section shall govern the County Commission in regard to the parliamentary procedure of meetings, however, for those areas of parliamentary procedure in which this Section is silent, the rules of parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 10th Edition, and any subsequent editions or amendments thereto, if any, shall govern the County Commission so long as Robert's Rules of Order are not inconsistent with the provisions outlined herein or the Statutes of the State of Montana.

3.2 Public Comment – Civil Public Comment is welcome and encouraged. Citizens who wish to speak must speak on matters relevant to County Business. A person seeking recognition at the meeting may be required to give their name and affiliation. All such comments will be directed to the Commission, never to another citizen, guest, employee, or visiting expert.

3.2.a Time for Comment – the first 30 minutes of any Regular Meeting Agenda shall be reserved for public comments on matters within the Commissioners' jurisdiction. This time is strictly for public comment; discussion of the Commission will be reserved until such a time as the item is on a noticed agenda. The Presiding Officer shall call for public comment for each item on the agenda, prior to a decision being rendered.

3.2.b Limits – Each member of the public shall be limited to one five (5) minute comment per topic. In the event that there is an abundance of public comment, the time limit may be shortened by a motion and vote of the Commissioners.

3.2.c Written Comments - Requests to read written or emailed correspondence into the public record must be accompanied by the author's name and address for verification of the record. Unanimous submissions will not be accepted. Written and emailed correspondence must follow the civil guidelines established above.

3.3 Preservation of Order - The Presiding Officer shall preserve order, prevent personally directed comments, confine members in debate to the question, and shall decide who shall be first heard. A member called to order at a County Commission meeting shall at once suspend his remarks, unless permitted to explain.

3.4 Disruption of Meeting - If any public meeting is willfully disrupted by a person or group of persons to render the orderly conduct of the meeting unfeasible, and order cannot be restored, the Presiding Officer may order the removal of the person or group from the meeting room.

3.5 Proxy Votes Prohibited - A member of the Commission shall not vote by proxy.

3.6 Conflict of Interest and Process to Recuse – Article XII, Section 4 of the Montana Constitution prohibits conflict between public duty and private interest for local officers and employees. In the event that a member has a conflict of interest in a topic before the Commission, they shall formally recuse themselves from debate and vote of the item.

3.7 Remote Participation – Remote participation in meetings may be provided upon request. Requests to participate remotely should be made to the Administrative Officer by the end of business the day before the meeting. Those participating remotely shall identify themselves when requested or may be dismissed.

3.8 Meeting Recess – When Commissioners have gaps in their agenda, the meeting is considered recessed until such a time as there are scheduled items on the agenda or until a vote of the Commission to bring the meeting back to order.

4. HUMAN RESOURCES MANAGEMENT

Commissioners wish to set forth the following procedures for the uniform management of staff directly under the supervision of the Board of Commissioners.

4.1 Staff Time Management

4.1.a. Vacation requests shall be made in writing to the Presiding Officer prior to use of leave. Leave is not approved until authorized by the Presiding Officer. Extenuating circumstances will be evaluated on a case-by-case basis.

4.1.b. Sick leave notices shall be made in writing to the Presiding Officer as soon as possible but no later than 2 hours prior to the start of an employee's scheduled shift.

4.1.c Overtime requests, outside of the preapproved circumstances, shall be made to the Presiding Officer in writing with enough notice that overtime can be avoided if not approved and no later than forty-eight (48) prior to the overtime event. No overtime shall be worked until approved by the Presiding Officer. A report of tasks completed while in overtime status shall be presented to the Commissioners following the overtime event when time approvals are due.

4.1.d Requests for schedule changes shall be made in writing to the Presiding Officer with sufficient notice for preapproval.

4.1.e All requests shall be approved in writing and submitted to Human Resources to refer to with time card reviews.

4.1.f Monthly written reports or text messages are NOT a sufficient mechanism to request leave, overtime, or schedule changes. Leave, overtime, and schedule change requests shall be submitted via paper form or email to the Presiding Officer no later than 48 hours before the event.

4.2 Staff Coaching and Discipline

4.2.a Complaints regarding staff directly supervised by the Board of Commissioners shall be made to Human Resources (HR). HR will initiate an investigation with the Presiding Officer unless HR determines that another Commissioner needs to be involved to eliminate conflicts of interest.

4.2.b Policy or protocol violations shall be presented to HR who will follow the investigative procedure outlined above.

4.2.c If HR and the investigating Commissioner recommend discipline at the level of a written warning level or above, the discipline shall be elevated to a discussion and decision of the full Commission.