

**ORDINANCE NO. 613**

**AN ORDINANCE TO ENCOURAGE PUBLIC PARTICIPATION IN MEETINGS OF THE POLSON CITY COUNCIL, AMENDING CHAPTER 2.06.060 OF THE MUNICIPAL CODE:**

WHEREAS, the City Council of the City of Polson finds it necessary and proper to encourage public participation in its open meetings; and,

WHEREAS, the People of the State of Montana in its Constitution of 1972 and the Legislature of the State of Montana has, from time to time, provided guidance on the subject of encouraging public participation in public meetings, found generally at Article II, Section 8, Montana Constitution (1972), Title 2, Chapter 3 of the Montana Codes, which this Council intends to honor; and,

WHEREAS, the City Council takes due note of Sections 7-1-4142 and 4143, MCA, obliging it to develop procedures for permitting and encouraging the public to participate in open meetings, as the same are defined in law, as to decisions that are of significant interest to the public and to adopt rules for conducting the meeting and affording the citizens a reasonable opportunity to participate prior to a final decision; and,

WHEREAS, the City Council has adopted, as its rules for procedure in open meetings, Roberts Rules of Order, as provided in Chapter 2.06.060 of the Municipal Code, currently in the 4<sup>th</sup> revision; however, the said procedural guide does not address the question of public participation; and,

WHEREAS, the City Council has long encouraged and invited participation by the public in its deliberations, but because it has come to the attention of the Council that the monopolization of the public comment periods by the few may squelch and chill participation by the many, finds it necessary to develop and provide specific procedures to ensure that all citizens wishing to be heard have the same reasonable opportunity to participate by adopting this amendment to Chapter 2.06.060; and,

WHEREAS, the City Council finds that generally three minutes should provide a reasonable time in which citizens may state their comments, balancing the same against the right of all other citizens to participate, and encouraging the participation of all, but that the Council should reserve to itself the right to waive the period in particular circumstances where it finds additional comment and participation is reasonable and proper.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA**

1. Chapter 2.06.060 is amended to provide, in addition to the existing terms, the following:  
“(1). Public Participation. The Mayor, or the President of the Council in the stead of the Mayor, shall call for public participation and comment prior to a final decision on any item by the Council that is of significant interest to the public. Proponents, opponents, or commentators alike of any anticipated Council action may individually make any remarks cogent to such action for a time not to exceed three minutes per person. Public comment on any item not on the agenda shall likewise be limited to three minutes per person. However the Council may, by motion that such is reasonable and proper, opt to extend such periods in particular circumstances, but in such event, shall give equal time to all citizens wishing to comment.”
2. Nothing in this Ordinance shall be construed to alter or amend any provisions of Montana law relating to notice.
3. The period provided in this Ordinance shall not apply to City staff members whose duty it is to make presentations to the City Council in respect of their particular obligations.

**REPEALING CLAUSE:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**FIRST READING:** August 1, 2005. **SECOND READING:** August 15, 2005.

**NOW THEREFORE,** it is resolved that the subject Ordinance shall become effective on September 4, 2005.

**PASSED AND ADOPTED THIS 15<sup>th</sup> day of August, 2005.**

**ATTEST:** \_\_\_\_\_  
**Aggi G. Loeser, City Clerk**

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**Randy Ingram, Mayor**