

**BY-LAWS
HELENA CITY COMMISSION**

These by-laws, adopted and approved by the Helena City Commission on June 13, 1977, and amended on March 23, 2015, govern the internal operation and procedures of the Commission and provide for the conduct of official meetings of the Commission. The rules contained in the current edition of Mason's Manual of Legislative Procedure shall govern the Commission in all cases to which the manual is applicable and which are not inconsistent with these by-laws, the Revised Codes of Montana, or any other applicable authority.

ARTICLE I

Officers

1. **Duties of the Mayor** The Mayor: (a) shall be the chairman of the Commission and preside over its meetings; he or she shall not have the power to make or second motions, but shall have a voice and vote in all its proceedings; (b) shall have no power to veto Ordinances, Resolutions or other official actions of the Commission; (c) shall be recognized as head of the City government for all ceremonial purposes, but shall have no regular administrative duties.
2. **Mayor Pro-tempore** The Commission shall designate one of its members as Mayor Pro-tempore who shall serve in such capacity at the pleasure of the Commission. The Mayor Pro-tempore shall perform the mayoral duties during the absence or disability of the Mayor.
3. **City Attorney** The primary duty of the City Attorney and his assistant is to advise the City Commission and to represent the City in legal proceedings. From time to time the City Attorney or his assistant may serve as attorney to various boards and committees. In the event of a conflict between a board or committee and the City Commission, the City Attorney or his assistant shall continue to service the Commission, and suitable arrangements shall be made for another attorney to be retained to advise the board or committee.

ARTICLE II

General Rules

1. **Commission to Act by Ordinance** In addition to those actions required by law to be done by Ordinance, the following acts of the Commission shall be done by Ordinance: (a) adopting or amending an administrative code or establishing, altering or abolishing any City department, office or agency; (b) providing for a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed; (c) granting, renewing, or extending franchises; (d) regulating the rates to be charged by the City acting as a public utility; (e) adopting, with or without amendment, Ordinances; and (f) amending or repealing any Ordinance previously adopted. All other official actions of the Commission may be taken by Resolution or motion.
2. **Commission Meetings** The Commission shall meet regularly at such times and at such places as may be prescribed by its Ordinances. All meetings of the Commission to conduct official business shall be open to the public except for executive sessions of the Commission called for the purpose of discussing privately personnel matters.
3. **Special Meetings** Special meetings of the Commission may be called by the Mayor, or the Mayor Pro-tem in the absence or disability of the Mayor, any two Commissioners or the City Manager. Special meetings may be called at any time, provided that at least twelve (12) hours written notice precedes the meeting, and each Commissioner is entitled to be fully informed regarding the purpose of the special meeting and matters to be considered at the meeting.
4. **Written Form** Official actions of the City Commission shall be reduced to writing and be submitted to the Commissioners in the format prescribed by State Statute and the City Attorney. It shall be the policy of the Commission that Ordinances and Resolutions be prepared in writing and copies furnished to the individual Commissioners prior to meetings of the Commission. However, with respect to routine Ordinances and Resolutions of a repetitive nature, such as Resolutions of Intention to create an SID, Resolutions creating an SID, or other actions utilizing standard forms or printed material, the same need not be in written form at the time of passage. However, all Ordinances of the type usually reduced to writing shall be in written form and available for review by the Commission prior to or at second or final approval or passage.

5. **Suspension of Rules** The rules and by-laws of the City Commission are under the control of the Commission and may be suspended, unless imposed upon it by a superior authority.
6. **Boards and Committees** The Mayor, with the concurrence of the Commission, shall appoint individuals to boards and committees. At least fourteen (14) days notice will be given to the Commissioners and the public through information media of a vacancy which is to be filled, and all Commissioners shall be encouraged and have the opportunity to submit the names of qualified individuals to be considered for appointment. A list will be kept of qualified individuals who have expressed an interest in serving on boards and committees, and those individuals will be considered by the Mayor prior to making an appointment.
7. **Commission Delegates to Boards and Committees** The Mayor, with the concurrence of the Commission, shall appoint Commissioners to boards and committees, as required. In the event that a Commissioner is unable to attend, he or she may appoint another Commissioner as a replacement, or a responsible adult resident of the City. The substitute representative so appointed shall be entitled to vote at said meeting or proceeding.

ARTICLE III

Rules of Procedure

1. **Presiding Officer** The duties of the presiding officer at a regular meeting or a special meeting of the Commission are as follows: (a) to open the session at the time the Commission is to meet by taking the chair and calling the members to order; (b) to announce the business before the Commission and the order in which it is to be acted upon; (c) to recognize Commissioners and other persons entitled to the floor; (d) to state and put to vote all questions which are regularly moved or which necessarily arise in the course of the proceedings, and to announce the result of the vote; (e) to preserve order and decorum; (f) to restrain the Commissioners when engaged in debate within the rules of order; (g) to decide all points of order, subject to appeal, unless when in doubt he or she prefers to submit the questions to the decision of the entire Commission; (h) to inform the Commission when necessary, or when any question is raised, on any point of order or practice pertinent to the pending business; (i) to sign or authenticate all acts, proceedings or

orders of the Commission; (j) to receive all messages and communications and to announce them to the Commission; (k) generally to guide and direct the proceedings of the Commission, subject to the control and will of the Commission; (l) to enforce all laws and regulations applicable to the Commission; (m) to have general charge and supervision of the Commission Chambers.

2. **Parliamentarian** The City Attorney or his assistant will serve as parliamentarian to the City Commission. It is the duty of the parliamentarian to advise and assist the presiding officer. The parliamentarian should be thoroughly trained in parliamentary law and in the rules, precedents and practices of the Commission and be a resource of accurate information and advice for the presiding officer. He is an adviser only, and his advice can be disregarded by the presiding officer and the Commission. The legislative and discretionary powers of the Commission can be exercised only at a meeting of the members who impose it and no valid act can be taken except at a meeting duly convened. Any understandings or agreements made before or outside a legal meeting, individually or as a group, are not valid or binding.
3. **Quorum** A quorum of the Commission must be present in order to transact business and to make its act valid. A majority of the membership of the Commission constitutes a quorum for the purpose of transacting business.
4. **Acting on Motions** A motion can be made while no other motion is pending by any Commissioner other than the presiding officer, and if not seconded, will be declared dead by the presiding officer. All motions are debatable, may be amended, and require a majority vote in order to pass.
5. **Seating** The seating arrangement of meetings of the Commissioners other than the Mayor will be rotated every sixty (60) days. When a motion, Resolution or Ordinance is voted upon by roll call, the Clerk of Commission shall call the roll commencing with the Commissioner seated to the right of the Mayor and proceeding counter-clockwise around the table until all Commissioners and the Mayor, voting last, have voted.
6. **Number of Votes** A quorum being present at a duly convened meeting of the Commission, at least three (3) votes must be cast in order to carry a proposition unless a greater number of votes is required by the Revised Codes of Montana, Charter or

controlling provision of City Ordinance. Commissioners present but not voting are disregarded in determining whether an action carried.

7. **Duty to Vote** It shall be the duty of each Commissioner to vote in the affirmative or negative on each motion placed before the commission by the Mayor or presiding officer. A Commissioner may give a brief explanation of the reason why he or she voted in a particular way. No Commissioner is required to vote on a matter if he or she feels that there is a conflict of interest with respect to the pending action.
8. **Proxy Voting** A Commissioner who is not present when the question is put to a vote cannot vote. Proxy votes or written votes are not permitted.
9. **Reconsideration of Previous Actions** Any two (2) Commissioners, including the Mayor, both of whom must have previously voted on the prevailing side, may submit a motion to the Commission proposing that a matter previously acted upon by the Commission be reconsidered. Any such motion for reconsideration shall fail unless it receives three (3) affirmative votes.
10. **Grouping Matters in One Motion** When two (2) or more Resolutions or Ordinances of a routine or repetitive nature appear on the agenda and require action by the Commission, the Mayor or presiding officer may ask the Commission if any Commissioner desires to have the matter separated from the rest and considered independently. In the absence of a request for separate consideration by a Commissioner, two (2) or more of said Resolutions or Ordinances may be combined and acted upon in one motion.
11. **Postponement of Action** In the event a matter of special significance or involving long-range policy is before the Commission, and all Commissioners are not present, a Commissioner may ask the presiding officer to defer action until the next meeting of the Commission. Unless the matter under consideration requires action by reason of chronological deadline, the matter will be postponed by the presiding officer.
12. **Public Hearings** Where public hearings have been scheduled for the Commission and required legal notices have been given, cancellation or postponement of the public hearing is a matter to be determined by the Commission. In the event of emergency or substantial unanticipated contingency, the City Manager may, in consultation with the Mayor, postpone a public hearing, subject to later approval by the Commission. The Mayor or presiding officer shall have the authority to revise the chronological order of public

hearings on the agenda in the event a large number of individuals wish to be heard on a single issue.

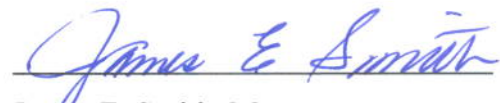
13. **Tie Votes.** In the event a vote ends in a tie because a Commissioner is not present, the matter shall be deemed "a matter of special significance" and postponed until the next meeting of the whole Commission. There are exceptions to this rule when (1) a tie occurs because a Commissioner is recused from voting, (2) the matter under consideration requires action by reason of chronological deadline. In the event of any exception, the tie vote constitutes a failure of the motion or action.

ARTICLE IV


Amendment

1. **Amendments** These by-laws may be amended, repealed or altered in whole or in part, by the affirmative vote of a least four (4) of the five (5) Commissioners at any regular or special meeting of the Commission, provided that notice of such amendment or amendments and the nature thereof shall have been given to the Commissioners at a prior meeting.

CITY OF HELENA


James E. Smith, Mayor




Debbie Havens, Clerk of the Commission

Dated this 23rd day of March 2015.