

CHAPTER 1

COUNCIL (COMMISSION) PROCEDURES

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1.1 Meeting Agenda

The purpose of an agenda is to provide a framework within which a meeting can be conducted. Except in the commission--manager form of municipal government wherein the manager prepares the agenda, the council agenda is usually developed by the presiding officer with the assistance of the clerk. A request for an item to be on the agenda usually comes from the mayor, council (commission) members, department heads, and the public. The agenda is finalized and *must be posted on the designated posting board at least 48 hours before the meeting.*

Items that are typically included on an agenda are as follows:

- **Minutes:** These are the minutes from the previous meeting. The council should vote to approve without changes or approve with changes.
- **Correspondence:** This is for correspondence (such as letters, emails or telephone calls) that does not coincide with another agenda item. Most correspondence will coincide with another agenda item.
- **Public Comment: Two types of public comment must be on the agenda. 1) the public has the right to comment prior to final action by the commission; 2) public to comment on any subject over which the municipality has jurisdiction.** The subject does not have to be on the agenda, but the council cannot act on anything during public comment. If council action is required, the item must be placed on the next meeting agenda. Some cities and towns include a statement on the agenda that public comment may only be for items not included on the agenda. It is also common to include a statement that public comment may be limited due to time constraints. Some specify a limit of three or five minutes for public comment per individual, others include a general statement that indicates that the length of individual public comment may be limited due to time constraints.
- **Council Reports:** Each month department heads may submit a report of activities. Council members or department heads may read the monthly report at the meeting.
- **Council Concerns:** This is a time when council members or mayor can bring a concern before the council that is not otherwise listed on the agenda. No action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.
- **Unfinished Business:** Items under this heading are matters previously introduced and have been carried over from the previous meeting including items requiring final action. The council may include items under this heading if they need more information or want to take more time to consider the matter prior to the final decision. Some items may need to be on this section of the agenda for several meetings.
- **New Business:** Items that have not been on the agenda before.
- **Legal:** City attorney's time, if needed.
- **Clerk's Business:** Time for clerks to report on month's activities and make requests.
- **Consent Agenda:** Routine items that are voted on in a single motion as a way to make meeting shorter and less tedious. For the consent agenda to pass, the vote must be unanimous. Consent agendas typically include claims, financial reports, journal vouchers, and pledged securities report.

COUNCIL MEETING AGENDA

CITY/TOWN OF _____
(Date) _____

MINUTES

CORRESPONDENCE

PUBLIC COMMENT

COUNCIL REPORTS

COUNCIL CONCERNS

UNFINISHED BUSINESS

NEW BUSINESS

LEGAL

CLERK'S BUSINESS

CONSENT AGENDA

1.2 Council Packet Preparation

Council packets are assembled and delivered no later than 48 hours prior to the council meeting. This allows the mayor and council time to review the agenda and the supporting documents prior to the meeting. Make sure the packet includes all the supporting information the council needs to make an informed decision on the items on the agenda. Usually the council packets contain:

- Agenda
- Minutes
- Notes from the clerk
- Council Reports
- Proposed resolutions and/or ordinances
- Financial reports
- Any supporting information (correspondence, reports, etc.)
- Other useful documents

When preparing the council packets, use the agenda as the guide for the order of the packets. Place the contents of the packet into a manila envelope (or your preferred delivery method). The name of the mayor or council members should be on the front of the envelope with the date of the meeting. In the case of a public hearing to be conducted during the meeting, list both the hearing and the regular meeting on the envelope and the times.

The clerk, deputy clerk or a police officer usually deliver the packets or they are picked up by the mayor and council members. Contents of the council packets are public information. If the press or a citizen requests a copy of the information in the council packet, make copies of the packet.

1.3 Staff Reports

Staff reports serve four main functions:

1. Help the mayor and council define projects, understand complex problems, consider alternative solutions and determine courses of action.
2. Forward recommendations involving public assets and assure that decision processes are managed in a fair and open manner.
3. Serve as a resource for the public to understand and participate in the decision-making process of the government.
4. Provide a structure to ensure city/town council members have all relevant information. Information

to be included in a Staff Report:

1. **Subject:** Provide a short description of purchases, services agreement, etc. Include a project name if applicable.
2. **Fiscal Impact:** When preparing the fiscal impact section of Staff Reports, keep the information in the "Summary" section brief. As an example, it should include the following items:
 - a. Clearly state the dollar amount of the impact, the name of the account being charged with the expenditure, and the account number.
 - b. In the body of the Staff Report, additional narrative explaining the implications and/or justifications of the fiscal impact is warranted. Include the current balance of the account that will be used to show that there are enough funds available for the contract/purchase/request/etc.
3. **Alternatives:** Be sure that your "Alternatives" are real alternatives. It may be helpful to include language related to the consequence of alternatives: e.g. "If this alternative is chosen, then...."

4. **Recommendation:** The recommendation should state the recommended city/town council action: e.g. “approve contract.”

1.4 Council Meetings

Time of Meeting – City/town councils usually meet at a regular time on certain days, which are specified by council resolution. The date, time and place of the meeting should be included with the posting of the agenda.

On the Day of the Meeting – Make copies of any information that has come in after the packets are delivered for the council and make sure that a copy of the agenda is posted near the entrance to the meeting room for the audience.

Regular Meeting – A regular meeting of the council is held at the time and place designated for the usual transaction of the business of the governing body. If a regular meeting is to be held on a different date or at a different time or location, adequate notice (48 hours) is required but the meeting is still a regular, not a special, meeting.

Special Meeting – A special meeting of the council may be called by the mayor [7-5-4102\(1\)\(c\), MCA](#). The mayor must state by message to the council the purpose of the meeting, which should be included in the minutes. The special meeting is restricted to the purpose stated [7-5-4122, MCA](#).

Public Hearing – Public hearings are used to provide reasonable opportunity for citizen participation prior to final decisions. Examples of required public hearings include utility rate increase, land use issues, annexations, and street and alley vacation. State funded grant programs or projects usually require public hearings as part of the application process. The public hearing can be held at a special meeting or during a regular meeting.

- Notice of the hearing must be published [7-1-4127, MCA](#) and for utility rates [69-7-111, MCA](#). The public hearing is restricted to the purpose of the hearing.
- *Discussion of or action on other subjects at a special meeting or a public hearing will violate the open meeting law and the right of the public to participate.*

1.5 Minutes

Council meeting minutes are required by law [2-3-212, MCA](#) and may one day be read in court to support or defend some claim against the city/town. Therefore, an accurate record of what the substance of all matters proposed, discussed or decided is essential.

Usually the clerk takes minutes at the meeting. This can be done by hand or use of a recording device for later transcription. See the Local Government Schedule 8 document on the Montana Secretary of State’s website for specific requirements for retaining recordings of meetings. The clerk will later prepare the minutes of each meeting (regular, special, or public hearing). The minutes should be prepared as soon as is practical after each meeting.

The minutes should start with a heading that includes the type of meeting, the place, and the date and time of the meeting. Minutes must list the members of the government who are present at the meeting, i.e., mayor, council members, clerk and department heads. A “sign in” sheet for those citizens attending is not required. A majority of the whole number of the members of the council constitutes a quorum and must be present to conduct business. The minutes should follow the agenda of each meeting. A short description of the agenda items is helpful with only as much information as may be necessary for clarity. *A verbatim transcript of the discussions is not required.* All motions made by a member of the council require a second and a roll call vote. The mayor will call for the vote. The clerk records each council member’s vote as aye, nay, abstain or absent.

Example: Moved by council member Jones that . . . (body of the motion). Second by council member Smith. Motion passed, Record of the roll call votes. (See Attachment 2.5, Chapter II, Part 1 for a model voting record.)

Prepare a sign-in sheet for those present *at public hearings*. The sign in sheet should include:

- Heading --- reason for meeting, date and time
- Signature
- Printed Name
- Physical address

Minutes, ordinances and resolution are required to be retained permanently (See Municipal Records Retention Schedule 8.) To ensure your minutes remain readable long into the future, a best practice is to print them on acid free paper and store them in a secure location where they are not at risk of damage by fire, water, vermin or other types of damage. Minutes should include page numbers for easy reference. Have someone proof read the draft minutes, for typos, understanding, clarity, etc. Minutes should be made available within a reasonable time after the meeting. Minutes circulated before approval by the council should be identified as “DRAFT”, as they can be changed by the council (prior to approval). The minutes of the meeting do not need to be read aloud prior to approval because they are in the council packet prior to the meeting.

The council will approve the minutes at the next regular meeting. If there are any changes approved, handwrite the changes in the margins in ink. After approval the mayor and clerk will sign the minutes. Stamp the signature page of the approved minutes with the city/town seal. Insert the minutes in the record or minute book. When the minute book is full make sure to secure the book, so pages cannot be removed. In some instances, you will have more than one set of minutes that need to be approved. They should be considered in the same order as the meeting occurred.

1.6 Correction of Minutes

The council may amend the minutes prior to approval. The amendment should be made in the form of a motion that clearly states the correction to be made. The amendment should be included in the meeting minutes. The clerk will make the correction to the minutes by lining through deletions by hand in ink. Then write or print clearly in ink in the margin of the minutes the correction, amendment, or addition. *Do not erase the original minute entry.*

1.7 Public Hearing Minutes

A complete audio recording should be made of the entire public hearing. However, it isn't necessary for the clerk to prepare a verbatim paper transcript of the recording unless required for a trial. The minutes of a public hearing should include:

- **Written evidence produced at hearing:** Make appropriate reference to any written evidence in the form of statements, affidavits, reports, photographs, maps, correspondence, or other objects filed with the clerk prior to the hearing or at the hearing, and included as part of the record. Place the written evidence in the corresponding public hearing file.
- **Oral testimony:** Identify by name all persons who testify and whether testimony was FOR or AGAINST the hearing subject.
- **Arguments and debates:** Briefly note arguments and debates.

1.8 Closed Meeting (Executive Session)

There are only two lawful reasons for a closed meeting: [2-3-203, MCA](#)

1. Litigation—Discuss a lawsuit against the city/town
2. Issue of Privacy—The individual must waive the right to privacy if he/she wants the issue discussed at an open meeting. *If the individual waives their right to privacy, the meeting must be open to the public.*

After declaring that the individual’s right of privacy clearly exceeds the public’s right to know (document that this is true in the minutes), the mayor closes the meeting and states the purpose of the closed session. The clerk must note the date, time the meeting was closed, and the time the meeting is reopened. The council has discussion during a closed meeting and the clerk is required to take minutes of the discussion, though those minutes are not to be made available except if required by a court order, [2-3-212\(4\)](#), MCA. The council may reach a consensus in a closed meeting, but the formal vote must be taken in the open meeting to allow the public the opportunity to know the result of the discussion, which took place in closed session. Consult with legal counsel prior to initiating any closed session.

1.9 Agenda Subject Index

A subject index is a quick reference of council actions or major discussions for each year. After the minutes are completed, the clerk should use the minutes to update the Agenda Subject Index. At the end of each year the index is printed for the year and placed in a notebook. (*See Records Management Section for details*). Minute Books should be kept in a secure fireproof file cabinet. Written minutes printed on paper are a permanent record and should NEVER be destroyed.

1.10 Ordinances

Ordinances are the laws of the city/town and must be read at two separate meetings that are held no less than 12 days apart prior to a vote; [7-5-103](#), MCA. If approved, the ordinance will become effective 30 days after the second reading [7-5-4203](#), ; MCA. Ordinances are usually developed by the city attorney but may be prepared by the clerk for review by the attorney before presentation to the council for adoption. An ordinance should not contain more than one subject. All ordinances should include the following:

- Number
- A preamble listing the major sections of the ordinance
- An ordaining clause which states *“Be it ordained by the City/Town Council (Commission) of the City/Town of _____, Montana”*
- The body or subject of the ordinance stated in sections. Usually, but not always, a paragraph constitutes a section. Include a head note indicating the content of the section at the beginning of each section (i.e. Section 1. Definitions).
- A section indicating the penalty for violation of the ordinance, if appropriate
- A section regarding severability which is the last section of all ordinances
- A sentence with the date of the first reading
- Mayor/presiding officer and clerk signature lines
- A sentence with the date of the second reading
- Mayor/presiding officer and clerk signature lines

A roll call is required for each vote on an ordinance; [7-5-4121](#), MCA. The clerk must record the vote of each council as AYE, NAY, ABSTAIN or ABSENT. After the ordinance is adopted (first reading) the clerk should print the ordinance on the paper used for the ordinance book. The mayor/presiding officer and clerk will sign the ordinance after each reading. The clerk must stamp the signature sections with the city/town seal.

The clerk will put the ordinance in the Ordinance Book in chronological order and include an index in each Ordinance

Book. An index will be in the front of the Ordinance Book.

An ordinance can only be amended or repealed by an ordinance. An ordinance which amends another ordinance should state the entire section being amended. An amending ordinance should not merely state that a sentence is added or that a word is changed in a particular line of a sentence. In such a case, the entire section should be stated with the sentence added and the word changed. The amending ordinance must also be filed chronologically in the Ordinance Book.

1.11 Codification of Ordinances

The clerk will codify or cause to be codified the ordinance as soon as possible into the City/Town Code Book and thereafter every five years, as required by law [7-5-107, MCA](#). Ordinances are a permanent record and should NEVER be destroyed. If the ordinance is amending a previous ordinance, update the existing code in the code book to reflect the amendments. If the ordinance is new, determine which Code Book chapter is appropriate for the new ordinance.

A clear format for the City/Town code book makes the codes easy to reference. The standard format is to start a new page with the chapter and section number such as "Chapter 8.04". Next, include the title of the code such as "NUISANCE AND VICIOUS ANIMALS". Codes typically are made up of a number of sections that address individual parts of the larger topic such as "Number of Dogs", "Nuisance Animals" and "Vicious Animals." Include a list of all the sections that make up the code with the corresponding code number and title. Finally, include the full language of the individual codes in order.

1.12 Emergency Ordinances

Sometimes it is necessary that an emergency ordinance be passed to protect the public health or safety. An emergency ordinance is effective upon passage of the first reading and shall remain effective for no more than 90 days.

1.13 How to Write an Ordinance

See MCA [7-5-102](#) through 7-5-140 for legal requirements for the construction of Ordinances. The following steps will also serve as a guide:

1. **Determine the purpose of the ordinance.** Usually, the need for an ordinance is in response to a specific need of the city/town. Give careful consideration to the purpose of the ordinance in order to develop an ordinance that adequately addresses the city/town's needs.
2. **List all points that need to be covered** in the ordinance. After the purpose of the ordinance is determined, think of all aspects of the issue that will have to be covered to address the problem.
3. **Research the different points.** This may be research into the extent of the issue within the community. Other municipalities are a good source of information if they have dealt with a similar problem through an ordinance that may be adapted to the situation. Check with the League of Cities and Towns or MSU Extension Local Government Center for information. There is a clerk list serve that is often utilized for the gathering of such information.
4. **Write a first draft of the ordinance.** The draft should cover each of the points that have been determined to be included in the ordinance. The ordinance should address only one general subject area. Use simple language that everyone will understand. Include a definition section for technical terms. Refer to ordinances that have been previously adopted for examples of form.
5. **Review each sentence carefully.** Does it make sense? Are there typos? Is the meaning clear and not subject to

misinterpretation? Have the penalty and enforcement procedures been stated?

6. **Review the ordinance as a whole.** Does the draft address all the points necessary to deal with the issue? Does it follow the requirements of form used by the city/town? It is clear and easily understood.
7. **Have the city attorney review** the final draft.

SAMPLE ORDINACE

ORDINANCE NO. 205

AN ORDINANCE DEFINING WEEDS, ESTABLISHING THE DUTY OF A PROPERTY OWNER TO REMOVE WEEDS, AUTHORIZING THE CITY/TOWN TO CUT WEEDS AND CHARGE THE OWNER, AND PROVIDING PENALTIES.

BE IT ORDAINED BY THE CITY/TOWN COUNCIL (COMMISSION) OF THE CITY/TOWN OF _____, MONTANA:

Section 1. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Weeds: includes all vegetable growth that is unsightly, troublesome, useless, or noxious. It shall include all weeds and vegetable growth that has been declared noxious, destructive and detrimental to the agricultural interest or any similar unwanted vegetation or grass over eight inches (8") in height as determined by city/town employees.

Section 2. Cutting or Removing Required. Owner or owners of any lot, place or area within the c/Town, or agent of such owner or owners, are hereby required to cut or remove all weeds from said property under their control and one--half (½) of any road or street abutting said property. It shall be the duty of the owner, or owners, or agent of such owner or owners to maintain their property so that it shall not be considered a fire hazard, or a public or private nuisance.

Section 3. Violation and Procedure in Case of Noncompliance. Where a complaint has been made or the City/Town of _____ has reason to believe, after inspection, that weeds, as defined herein, are present upon a person's land within the city/town limits of the city/town of _____, in violation of the law, the owner, owners or agent of the owner or owners must be notified by mail, telephone, or in person, of the complaint or condition.

The notice must specify:

- a. the complaint or condition that is in violation of the law;
- b. the geographic location of the area of noncompliance, by legal description or other reasonably identifiable description;
- c. measures needed in order to comply with the law;
- d. a reasonable period of time, but not more than ten (ten) days from the date of such notice in which compliance procedures must be initiated;
- e. the right of the person to request, within said ten (10) day time period, an informal hearing with the city/town officer, employee, or agent providing such notice. If such a request is made, it shall not extend the ten (10) day time period within which compliance procedures must be initiated.

If corrective action is not taken within the ten (10) day period, the city/town may forthwith enter upon the property and institute appropriate control measures. In such case, the city/town shall submit a bill to the owner or owners, or agent of the owner or owners in the amount of \$125.00 per hour with a minimum charge of \$250.00. Bills must specify and order a payment due date of thirty (30) days from the date the bill is sent. If the amount billed is not paid when due, the city/town shall proceed in any lawful manner to collect the amount billed.

Section 4. Disposition of Monies Received by city/town. All money received for payment of the cutting or removal of weeds by city/town maintenance department shall go into the General Fund.

Section 5. Penalties. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable as provided in Section 1.08.010 of the City/Town Code.

Section 10 Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council (Commission) hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason any provisions of this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provision will be in full force and effect.

FIRST passed and approved by the Council (Commission) of the City/Town of _____, Montana this _____ day of _____, 20____.

_____, Mayor/Presiding Officer

Attest:

_____, City/Town Clerk

FINALLY passed and approved by the Council (Commission) of the City/Town of _____, Montana this _____ day of _____, 20____.

_____, Mayor/Presiding Officer

Attest:

_____, City/Town Clerk

1.14 Resolutions

A resolution is not law but usually sets policy for the city or town government. There are resolutions that set budgets, tax and special assessment levies, water and sewer rates and fees, personnel policies, rules for use of city/town property and for applying for grants. There are resolutions used as proclamations to honor people or organizations for outstanding service or accomplishments. Most resolutions are prepared by the clerk. Resolutions require only one reading and become effective immediately upon passage or at the time specified in the resolution. A resolution should not contain more than one subject. The wording of the resolution is drawn up in the same fashion as an ordinance and should include the following:

- Number
- Preamble stating the reason for the resolution
- Clause or clauses that explain the need, list pertinent statutes, etc. Each clause begins with “WHEREAS,”.
- A resolving clause which states *“Be it resolved by the City/Town Council (Commission) of the City/Town __, Montana”*
- The body of the resolution
- A statement indicating the effective date of the resolution
- A sentence with the date of passage
- Mayor/presiding officer and clerk signature lines

A roll call is required for each vote on a resolution. The clerk must record the vote of each council as AYE, NAY, ABSTAIN, or ABSENT. After the resolution is adopted, the clerk should print the resolution on the paper used for the Resolution Book. The mayor and clerk will sign the resolution and the clerk will stamp the signature section with the city/town seal.

A resolution can only be amended or repealed by a resolution. A resolution which amends another resolution should state the entire section being amended. An amending resolution should not merely state that a sentence is added or that a word is changed in a particular line of a sentence. In such a case, the entire section should be stated with the sentence added and the word changed. Resolutions are permanent records and should NEVER be destroyed.

SAMPLE RESOLUTION

CITY/TOWN OF _____

RESOLUTION NO. 14 _____

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 210 ENTITLED "A RESOLUTION ESTABLISHING POLICIES IN REVIEWING AND GRANTING APPLICATIONS OF INDIVIDUALS OR GROUPS DESIRING TO UTILIZE CITY/TOWN--- OWNED PROPERTY".

WHEREAS, the City/Town Council (Commission) has determined that it is in the best interest of the City/Town of _____ to require special events insurance coverage for events held in city/town parks,

NOW, THEREFORE BE IT RESOLVED BY THE CITY/TOWN COUNCIL (COMMISSION) OF THE CITY/TOWN OF _____, MONTANA THAT SECTION 1 OF RESOLUTION NO. 210 BE AMENDED AS FOLLOWS:

8) The User (Permitee) shall indemnify the CITY/TOWN and hold it harmless from and against all claims, damages, losses and expenses arising out of or resulting from the USER's (Permitee's) negligent acts or omissions.

The USER (Permitee) shall carry Special Events Insurance liability insurance in the amount of Seven Hundred and Fifty Thousand and No/100 Dollars (\$750,000) for each accident, and One Million Five Hundred Thousand and no/100 Dollars (\$1,500,000) aggregate [MCA Section 2-9-108\(1\)](#) (1997).

Prior to USE, the USER (Permitee) shall provide the CITY/TOWN a Certificate of Insurance made out to the City/Town of _____ and naming the City/Town of _____, as an additional party insured.

PASSED AND APPROVED by the city/town council (commission) and approved by the Mayor/Presiding Officer this _____ day of _____, 20____.

, Mayor/Presiding Officer

Attest:

, City/Town Clerk

1.15 Public Hearings

A Public Hearing is an open consideration within a regular meeting or a special meeting of the city/town council for which special notice has been given and may be required. During a hearing a resident, citizen or concerned individual may present protests or offer support for the subject under consideration.

Public hearings may be required by law. For example, public hearings are required for utility rate increases, annexations and other land use issues. The council may also decide to hold a public hearing to gather community input on a local issue of concern to the council. Also, some funding agencies require public hearings as part of the application process.

The council usually sets the date, time and place for a public hearing. The clerk prepares the notice that must be published, posted, or mailed depending upon the legal requirements for the notice. The Notice includes:

- Heading— “Notice of Public Hearing”
- Purpose of the hearing
- Time, date and location of the hearing
- Statement “At that time oral and written testimony for and against the request will be heard by the council.”
- Contact for more information—name, phone number, address
- Clerk’s name and title (can also use mayor’s name and title)

Publish the notice according to [7-1-4127, MCA](#), or other specific statutes, e.g. water and sewer rate changes. Mail notices according to [7-1-4129, MCA](#). Always check the law for accuracy prior to publishing the notice. After publication or mailing of notices, the clerk will prepare an Affidavit of both Publication and Mailing. Include the notice and the affidavit in the file relating to the hearing. The clerk must post the hearing notice on the city/town posting board.

SAMPLE PUBLIC HEARING CHECKLIST

Hearing Date: _____

Prepare notice for publication or mailing

Email Notice to the newspaper

Newspaper _____ Date emailed _____
_____ Date to be published _____

Send copy of notice to mailing list. Date mailed _____

Prepare Affidavit of _____ publication _____ mailing

Post Notice on bulletin Board. Date posted _____

Include copy of notice in council packets

STATE OF MONTANA, }

SS. AFFIDAVIT OF PUBLICATION

County of _____, }

JANE SMITH, being duly sworn, deposes and says that she is a citizen of the United States and a resident of said county; that she is and was at the time of publishing, over the age of twenty---one (21) years; that xx she is not interested in the matter to which the annexed notice refers to and is in no way disqualified from testifying therein; that on the Thirty first day of January, and the seventh day of February, 2008 she published correct and true copies of the annexed NOTICE in the local newspaper, the (name of newspaper), in the City/Town of _____, County of _____

_____,
State of Montana.

Jane Smith, MMC/CPFA City/Town
Clerk/Treasurer

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public for the State of Montana

Printed Name

Residing in _____ My
Commission expires _____

**CITY/TOWN OF NOTICE OF PUBLIC
HEARING
WATER BASE RATE**

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD AT THE COUNCIL CHAMBERS,
_____, CITY/TOWN HALL, 100 MAIN STREET, _____, MONTANA ON
_____, (date) AT _____ (time), FOR THE PURPOSE OF INCREASING THE WATER BASE RATES \$4.50 PER MONTH IN
INCREMENTS OF \$1.50 PER MONTH FOR THE NEXT THREE YEARS FOR THE CITY/TOWN OF _____
_____, MONTANA.

THE NEW BASE RATES WILL BE AS FOLLOWS BEGINNING July 1, 2012, 2013 & 2014 :

BASE RATE 2012		
SIZE	MULTIPLIER	EDU COST MONTH
0.5 INCH	1	24.63
1 INCH	1.79	44.09
1.5 INCH	4	98.52
2 INCH	7.14	175.86
3 INCH	16	394.08

BASE RATE 2013		
SIZE	MULTIPLIER	EDU COST MONTH
0.5 INCH	1	26.13
1 INCH	1.79	46.77
1.5 INCH	4	104.52
2 INCH	7.14	186.57
3 INCH	16	418.08

BASE RATE 2014		
SIZE	MULTIPLIER	EDU COST MONTH
0.5 INCH	1	27.63
1 INCH	1.79	49.46
1.5 INCH	4	110.52
2 INCH	7.14	197.28
3 INCH	16	442.08

FOR FURTHER INFORMATION CONTACT CITY/TOWN CLERK JANE SMITH AT CITY/TOWN HALL, 100 MAIN
STREET, PO BOX 100, _____, MONTANA, TELEPHONE NUMBER
999---1111 BETWEEN THE HOURS OF 8:00 AM AND 12:00 NOON AND 1:00 PM AND 5:00 PM MONDAY THROUGH
FRIDAY.

Jane Smith, MMC City/Town
Clerk/Treasurer

Publish April 23, April 30 and May 7, 2020

1.16 Public Notice

The purpose of a published notice is to keep the public informed and to meet the requirements of the open meeting and public participation laws.

Examples: public hearings, project bids, special meetings, annexation, vacation of streets and alleys, budget, land use issues and others.

A public notice must be published twice, with at least 6 days separating each publication [7-1-4127, MCA](#). The public notice (published, mailed or posted) must contain:

- Date, time and place of the hearing or other action
- A brief statement of the action to be taken
- The address and telephone number of the person who may be contacted for further information
- Any other information required by a specific section of state law (water/sewer rate increases, etc.)

Request an affidavit of publication from any newspaper in which a notice is published. The affidavit and a copy of the notice should be filed in the appropriate subject matter file. Always check the laws regarding any specifics required on certain subjects prior to publishing, mailing or posting any notice. If an error has occurred, one publication was missed, date or time error, etc., the hearing must be cancelled and rescheduled. The notice must again be published with new times.

The information to include on a public notice includes:

- Heading— “Notice of Public Hearing”
- Purpose of the hearing
- Time, date and location of the hearing
- Statement “*At that time oral and written testimony for and against the request will be heard by the city/town council.*”
- Contact for more information
- Clerk’s name and title (can also use mayor’s name and title)
- Publish dates

If the governing body of a municipality considers it advisable to regulate, establish, or change rates, charges or classifications imposed upon its customers, a hearing shall be held at a specified time and place. Notice of the hearing shall be published in the newspaper *three times* with at least 6 days separating each publication [69-7-111, MCA](#).

1.17 Elections

The city/town may use mail ballot elections with concurrence of the county election administrator. The county clerk and recorder is the elections administrator for municipalities. The clerk reviews the mayor and council (commission) positions that are up for election with the elections administrator. The elections administrator takes care of all aspects of the city/town election. The city/town pays the expenses of the election. The clerk reminds the mayor and council (commission) of the election and which positions are up for election.

1.18 Oath of Office

The clerk or any elected officer may administer the oath of office for the mayor and council. The oath of office should be administered prior to the first meeting or special meeting in January for those who were elected in November. The oath of office for municipal officers required by [7-1-4137, MCA](#) is set forth at Article III, Section 3 of the Montana

Constitution and in Part I of this Handbook. No other oath is permitted. The clerk must file the oath of office with the county clerk and recorder and keep one copy in the city/town records.

1.19 Committees and Boards

Except for committees of the council (e.g. budget committee) whose members are usually appointed by the council, the mayor appoints committee and board members with council approval. The clerk should:

- **Record membership**
 - Keep track of the appointments to a committee or board.
 - If necessary, advertise a vacancy on a committee or board. Keep a list of interested individuals. The mayor will review the list and appoint the member with council approval.
 - The clerk usually notifies the individual of the appointment.
- **Give notice of meetings**
 - Open meeting requirements apply to committees and boards.
 - Notify committee or board members of meetings.
 - Publish and post the meeting notices.
- **Attend and take minutes**
 - Usually the clerk or deputy clerk will attend committee and board meetings to take minutes.
 - Prepare the minutes as soon as possible after the meeting. When completed the minutes are provided to the committee members and placed in the appropriate file.
 - Include a copy of committee and board meeting minutes in the council packet for the next meeting.