

***NOTICE:** This model policy is a draft work in progress by the Local Government Center at Montana State University. It is intended to serve as a guide to the development of rules of procedure for a Sewer/Water Board. It should not be adopted prior to review by the competent legal counsel. Recommendations for improvements should be communicated to Dan Clark 994-6694 or email at daniel.clark@montana.edu.*

Rules and Procedures for Governing Water/Sewer Districts

PART I. General Provisions

Section 1.01 Purpose The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the _____ Water/Sewer Board of _____ Sewer/Water District. These rules of procedure are intended to assure that the Board can accomplish its work efficiently, in full view of the public and with reasonable opportunity for the public to participate in the deliberations and decisions of its county government.

Section 1.02 Authority These rules of procedure are promulgated pursuant to and supplement Part 10, Chapter 11, Title 7, Montana Code Annotated.

PART II. Public Participation

Section 2.01 Policy It is the policy of _____ Water/Sewer District that the public shall be afforded reasonable opportunity to participate in the operation of Board prior to the final decision of the Board concerning any matter of significant interest to the public. A matter of significant interest to the public includes but is not limited to any matter:

1. Requiring a public hearing;
2. Adopting, Implementing, interpreting, prescribing or altering a rate, rule or policy of the District;
3. Relating to the budgetary and financial affairs of the District.

Section 2.02 Open Meetings A meeting of the _____ Water/Sewer Board is convened whenever a quorum of Board members hear, discuss or act upon any matter over which they have jurisdiction. All meetings of the _____ Water/Sewer District shall be open to the public. However the presiding officer of the Board may close any meeting during the time the discussion relates to a matter of individual privacy and then if an only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and in that event, the meeting must be open.

Section 2.03 Notice The _____ Water/Sewer Board shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law. Additionally, the agenda of all scheduled meetings of the _____

Water/Sewer District shall be posted on the designated public posting board not later than 48 hours prior to the meeting.

Section 2.03 Public Posting Board The Board of _____ Water/Sewer District designates as its official posting place the (e.g. posting board in the lobby of the courthouse near the East entrance.)

PART III. Procedures

Section 3.01 Quorum A quorum of the _____ Water/Sewer Board shall consist of _____ Board Members. No meeting of the Board shall be convened without a quorum and no decision of the Board on any matter requiring a majority vote of the Board shall be made except by the affirmative vote of _____ (e.g. 50% of the Board +1) Board Members.

Section 3.02 Agenda Preparation Proposed ordinances, resolutions, reports, recommendations, contracts and all other matters requiring consideration, discussion or decision by the Board shall be submitted to the Chairperson of the Board or to the secretary of the Board by 12:00 noon on _____ (e.g. Friday) immediately preceding the next regularly scheduled meeting of the Board. The Chairperson or his/her designated representative shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Copies of the agenda shall be provided to each member of the Board not later than 48 hours prior to the scheduled meeting. Copies of the agenda shall be readily available to the press and to the public at large and one copy shall be posted on the designated public posting board not later than 48 hours prior to the scheduled meeting.

Section 3.03 Order of Business The presiding officer shall prepare the agenda in substantially the following form which may be altered by consent of the Board:

1. Roll Call of the Board Members
2. Pledge of Allegiance (optional)
3. Approval of Minutes of the Previous Meeting.
4. Public Comment over anything on the agenda.
5. Scheduled Matters.
 - a. Opening of Bids.
 - b. Appeals.
 - c. Consent Items (no discussion)*.
 - i. General Business
 - ii. Claims (paying the bills)
 - iii. Routine internal operations matters
 - d. Public Hearing (required by law or ordinance)
 - e. Other Scheduled Matters
6. Public Comment on anything not on the agenda but within the jurisdiction of the Board.
7. Unscheduled Matters: An item that is not scheduled on the agenda for the current meeting may be discussed during the session at the discretion of the Board. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and/or vote on a subsequent agenda. As a general rule no matter of

significant interest to the public should be decided upon without prior notice to the public as a scheduled Board agenda item.

8. Adjournment

** **Consent Items** are those upon which the presiding officer considers no discussion should be necessary. However, at the beginning of each meeting any Boarder may request one or more items to be removed from the consent agenda for the purpose of discussion prior to a separate vote on the item(s). The presiding officer shall schedule such discussion and vote immediately following adoption of the consent agenda.*

PART IV. Rules of Board Participation

Section 4.01 Policy To provide for the effective participation by all members of the _____ Water/Sewer Board and to protect the right of participation by members of the public appearing before the Board, all meetings of the Board shall be conducted in general conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with law.

Section 4.02 Rules Board debate shall proceed in accordance with the following rules:

1. A Board Member desiring to speak shall address the presiding officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language.
2. A Board Member once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Board Member while speaking is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, he or 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 may be made by any member of the Board but must be seconded prior to discussion and vote. If the motion is not seconded it shall be declared failed for lack of a second by the presiding officer.
5. A motion to reconsider any action taken by the Board may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Board Member of the prevailing side, but may be seconded by any Board Member and it shall be debatable.
6. Nothing herein shall be construed to prevent any member of the Board from making or remaking the same or any other proper motion at a subsequent meeting of the Board but the matter must be a scheduled agenda item.

Section 4.03 Suspension of the Rules of Debate The rules of debate may be suspended temporarily by the unanimous vote of the entire Board.

Section 4.04 Majority of Whole Board Required The affirmative vote of three Board Members is required to adopt any measure unless a greater number of votes may be required by law or ordinance.

Section 4.05 Duty to Vote It shall be the duty of each Board Member to vote in the affirmative or negative on each motion duly placed before the Board by the presiding officer. A Board Member may make a brief explanation of the reason why she or he voted in a particular way.

Section 4.06 Proxy Voting A Board Member who is not present in the meeting at the time a motion is put to a vote cannot vote. Board Member shall not be permitted to vote by a proxy vote or by written vote.

Section 4.07 Conflict of Interest Any member of the Board who has a private interest, as defined by law or as so advised by the County Attorney, in any matter pending before the _____ Water/Sewer District shall not participate in the debate nor vote in that matter nor seek to influence the vote of members of the Board, except as otherwise provided by [2-2-201](#), MCA. If the presiding officer has a private interest in a matter pending before the Board he or she shall yield the chair to the Vice Chairperson during the course of debate and decision concerning the matter in which she or he has a private interest.

PART V. Presentation to the Board

Section 5.01 Procedures The general procedure by which items are handled by the Board Members at *other than public hearings* shall be as follows:

1. The presiding officer or staff member presents the item to the Board along with a brief summary of the matter for discussion, with or without the presiding officer's recommendation.
2. For the purpose of clarification and after recognition by the presiding officer, Board Members may direct questions about the item to the presiding officer or staff member.
3. Comments from the applicant or applicant's representative will then be heard by the Board.
4. After recognition from the presiding officer the Board may direct questions to the applicant.
5. The presiding officer will then invite members of the audience to present or submit testimony beginning with those in favor of the proposal, followed by those who oppose the proposal and concluding with those who neither favor nor oppose the proposal.

6. All testimony shall be directed to the presiding officer.
7. The Board may, upon a proper motion and second, vote on the matter or table the matter until a date certain.

PART VI. Public Hearings

Section 6.01 Procedures The Board shall conduct public hearings as required by law. Public testimony will be presented to the Board in the same format as described in PART V above, except that witnesses may be required to testify under oath as provided by law in which case the Board 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 County Attorney/legal counsel, 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 Board. Additionally, the following rules of procedure shall apply:

1. The proponents or opponents, their agent or attorney, may submit petitions and letters 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.
2. Following the presentation of all testimony and evidence, the Board may: (1) Continue the hearing to a date certain to allow additional information to be submitted to the Board; (2) Close the public hearing and proceed to Board debate of the matter; or (3) Continue the Board debate and vote to a date certain.
3. A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Board, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed as required by law and this policy.

PART VII. Guide for Public Participation

Section 7.01 Guidelines for Public Participation The following guidelines shall serve to assure reasonable and fair public participation in the decisions of the _____ Water/Sewer Board.

1. The public shall be invited to speak on any item under consideration by the Board after and only after recognition by the presiding officer.
2. The speaker should step to the front of the room, and for the record, give his or her name and address and, if applicable, the person, or organization he or she represents.
3. Prepared statements are welcomed and should be given to the presiding officer and noted in the minutes of the meeting. Prepared statements that are also read, however,

shall be deemed unduly repetitious. All prepared statements shall become a part of the permanent record.

4. While the Board is in session, members of public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Board nor disturb any member of the public or of the Board while speaking or refuse to obey the orders of the presiding officer of the Board.
5. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Board by the presiding officer, unless permission to continue be granted by a majority vote of the Board.

PART VIII. Ordinances and Resolutions

Section 8.01 Ordinances Except as provided by law, proposed ordinances may be introduced only by a member of the _____ Water/Sewer Board and in the following manner:

1. A draft of a proposed ordinance shall be presented to the Board as an agenda item during a regularly scheduled meeting. An emergency ordinance shall be presented and acted upon by the Board as provided by law.
2. If the draft ordinance is provisionally adopted by the Board during this first reading, it shall then be placed on the agenda for second reading and final adoption occurring at least twelve (12) days after the first reading and provisional adoption. After being provisionally adopted, the ordinance shall be posted in a conspicuous place on the Board's official posting place and copies thereof shall be available to the public.
3. The reading of the ordinance's title and number shall be sufficient to constitute a reading and an actual oral pronouncement of each word contained therein of the proposed ordinance or resolution is not required and shall be waived unless required by a majority vote of the Board.
4. All ordinances, except emergency ordinances, shall become effective thirty (30) days after the second reading and final adoption. All emergency ordinances shall become effective at the time indicated therein.

Section 8.02 Resolutions Except as provided by law, proposed resolutions may be introduced at any time by a member of the Board and if adopted shall be effective on the date specified therein.

Section 8.03 Right of Initiative The people retain the right to present ordinances and resolutions for adoption by the initiative process, as prescribed by law.