

OFFICE OF THE CITY ATTORNEY

435 Ryman • Missoula MT 59802
(406) 552-6020 • Fax: (406) 327-2105
attorney@ci.missoula.mt.us

Legal Opinion 2011-017

TO: Mayor John Engen, Ginny Merriam, Bruce Bender, Brentt Ramharter, Steve King, Kevin Slovarp, Jessica Miller, Doug Harby, Marty Rehbein, Nikki Rogers, City Council

CC: Dept. Attorney

FROM: Jim Nugent

DATE: September 21, 2011

RE: Special Meetings

ISSUE:

Are there any provisions of state law, city charter, or city council rules that provide guidance regarding the calling of a special meeting of the City Council?

CONCLUSION:

Yes. Montana state law, City of Missoula charter, and city council rules provide guidance for calling special city council meetings.

LEGAL DISCUSSION:

Special city council meetings may be called pursuant to Montana state law, City of Missoula Charter, and Missoula City Council rules, specifically City Council Rule 2.

(1) Pursuant to subsection 7-5-4102(1)(c) MCA, a municipal mayor may “call special meetings of the council”.

(2) Pursuant to Montana state law section 7-5-4122 MCA entitled “Special meetings of council” it is stated:

“7-5-4122. Special meetings of council. When a special meeting of the council is called under 7-5-4102(1)(c), *The mayor must state by message the object of the meeting, and the business of the meeting must be restricted to the object stated.*” (Emphasis added).

(3) Pursuant to City of Missoula city charter, ARTICLE II, entitled “THE CITY COUNCIL”, subsection 8(1) of the City of Missoula Charter states:

“8. Rules and officers. (1) The City Council shall establish rules by which it will carry out its business, including the setting of regular meetings. *The city council may also call special meetings in accordance with its rules.* The City Council may elect from among its members whatever officers are required for the orderly execution of its functions, in addition to the following:” (Emphasis added) .

(4) Pursuant to ARTICLE III, entitled “MAYOR,” section (11) the City of Missoula municipal government charter states:

“11. SPECIAL MEETINGS. The Mayor may call a special meeting of the City Council when in the Mayor’s judgment, circumstances warrant such a meeting. At the time a special meeting of the City Council is called, the Mayor shall state the object of said meeting, and the business of the meeting must be restricted to the stated object.”

(5) Pursuant to city council rules, Missoula City council Rule 2 provides:

“Rule 2, SPECIAL MEETINGS. Special meetings of the Council may be called from time to time, by the Mayor, or by eight Council members, upon 2 days’ written notice thereof being given by the City Clerk to all members of the City Council. The notice shall specify the subject of the special meeting and the meeting shall be limited to that subject. The notice shall also specify the time and place of the meeting.”

It will be important to be sure to provide at least 2 days advance notice to the public of the special meeting as well as to include an identification of the time and place of the special meeting as well as an identification of the purpose and/or agenda for the special meeting.

CONCLUSION:

Yes. Montana state law, City of Missoula charter, and city council rules provide guidance for calling special city council meetings.

OFFICE OF THE CITY ATTORNEY

/s/

Jim Nugent, City Attorney

JN:mdg