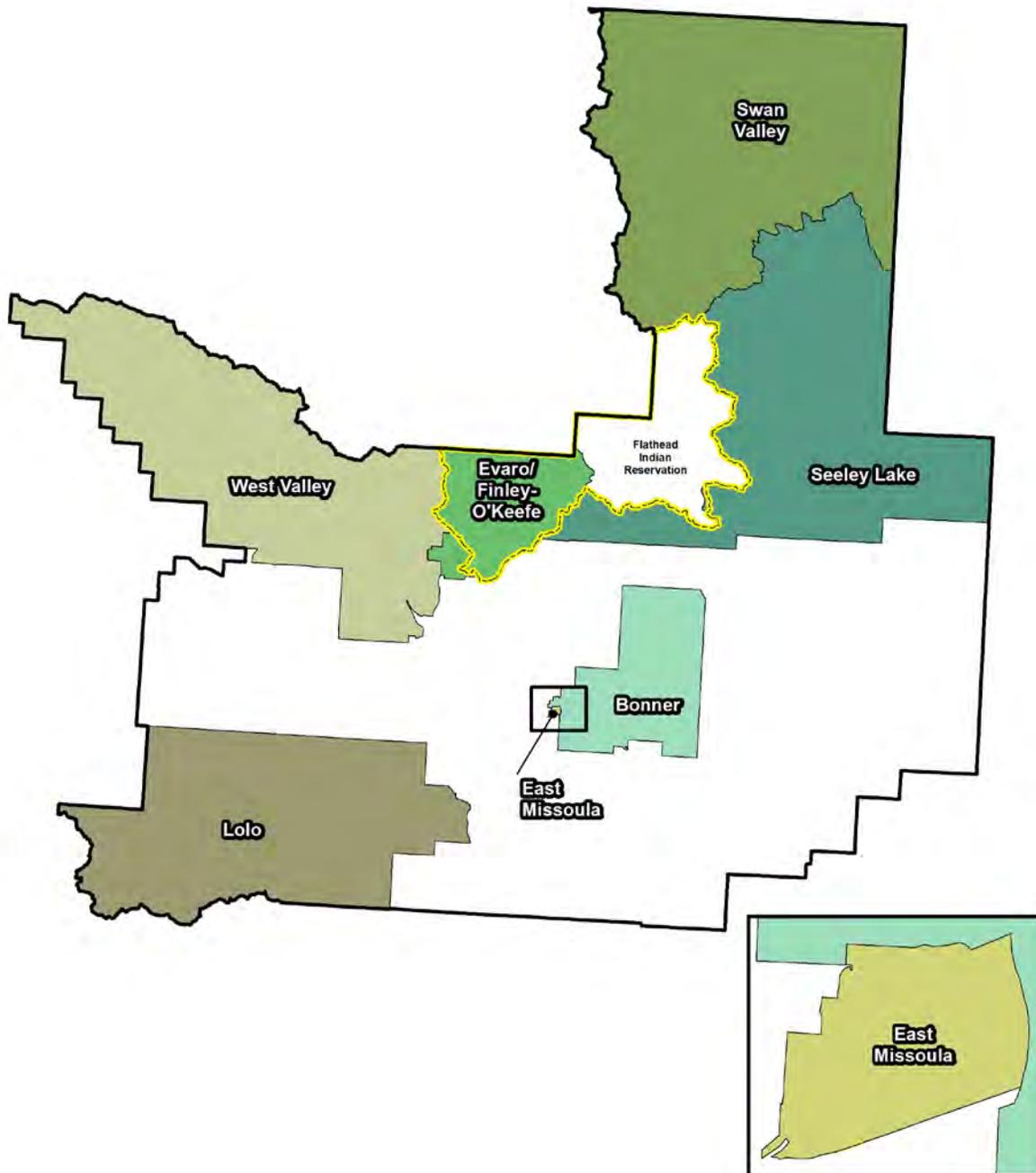


MISSOULA COUNTY COMMUNITY COUNCIL HANDBOOK



**PREPARED BY MISSOULA COUNTY COMMUNITY &
PLANNING SERVICES -- 3RD EDITION, JUNE 2015**

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www.co.missoula.mt.us/mccaps

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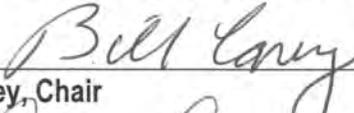
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FORWARD: GUIDE TO THE MISSOULA COUNTY COMMUNITY COUNCIL HANDBOOK

Welcome to the third edition of the Missoula County Community Council Handbook. The purpose of this document is to provide specific guidance on policies related to Community Councils in Missoula County. It is intended to supplement board training sessions and the general handbook by MSU Extension provided to all Missoula County advisory boards entitled *Serving on County Boards, Districts, Commissions and Committees in Montana*. We hope you will find this handbook useful as you conduct the day to day business of your Community Council. There are likely improvements that can be made to this handbook and we welcome your feedback. Please send any comments and suggestions to the Community and Planning Services (CAPS) office so we can continue to improve the handbook in future editions. Thank you for your service to your community. We hope this handbook will help you in this endeavor.

If you have questions or need further clarification on issues discussed in this handbook, please contact the CAPS Office by calling (406) 258-4657 or emailing caps@co.missoula.mt.us.

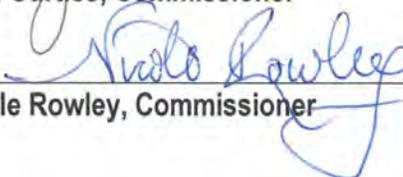
Missoula County Community and Planning Services and Missoula County Board of County Commissioners



Bill Carey, Chair



Jean Curtiss, Commissioner



Nicole Rowley, Commissioner

CHAPTER 1: COMMUNITY COUNCILS IN MISSOULA

INTRODUCTION

A Community Council is an elected group of citizens representing a particular area of the County that can provide focus, leadership, and continuity to that area. One of Missoula County's primary goals for Community Councils is that they help improve communications between the County and areas outside the Missoula urban area. Councils can do this by disseminating information to citizens and providing a forum for the discussion of local issues such as economic development, housing, land use planning and zoning, infrastructure needs, or parks and recreation. Community Councils can provide a way for local citizens to become more involved and connected with local government by acting as a conduit to provide input and recommendations to the County Commissioners. Community Councils are intended to advance and promote the interests and welfare of the citizens and landowners of the Council area (see Appendix D).

Community Councils may also facilitate communication with other local, county, state, federal and tribal government agencies; and with other organizations or individuals regarding matters of concern. To comment on projects or other issues of concern for upper levels of government (state and federal agencies and the Confederated Salish and Kootenai Tribes), Councils should submit a request to the Commissioners to make a formal recommendation on behalf of the Council.

A Community Council differs from other community-based organizations because it establishes an official communication link between an area and the Missoula Board of County Commissioners (Commissioners or BCC). Councils are part of County government and they may recommend to the Commissioners the creation of additional governance tools in a particular area such as business or special improvement districts and multi-jurisdictional districts. They can also partner with County agencies to apply for grants and loans for new local initiatives. Community Councils are encouraged to undertake such projects to address issues of local concern that are not necessarily initiated by the Commissioners; however, Community Councils are not a separate legal entity and, as such, cannot enter into contracts or agreements. Councils can partner with County departments or other agencies to enter into contracts or agreements, as outlined in Chapter 2.

Community Councils can help build community and find ways for citizens to come together around exciting projects as well as difficult issues. Community Councils often embark on community discussions that take a significant amount of time and frankly, are difficult to work through. The County does not initiate the establishment of a Council. Local leadership is necessary to get the process started and engage local citizens. Once the Council is established, its success will depend on participation from a wide array of interests and interaction between citizens that is based on mutual respect. The process for building support can take time and will need continual maintenance. To see examples of Community Council projects and actions, please refer to Appendix A.

Duties and Responsibilities

Community Councils have the duty and responsibility to:

- Serve in a purely advisory capacity with no power to levy taxes or to impose its will on the citizens of the area.
- Facilitate communication with and among boards that govern community infrastructure.
- Communicate regularly with the citizens of the community by any and all means deemed necessary and desirable in order to obtain comments and suggestions regarding issues of concern to the community.
- Provide a transparent and open public forum for citizens that provides an unbiased discussion of all sides of community issues.
- Follow, and attend as needed, meetings of the Commissioners and other County boards and commissions and any other meetings at which issues of importance to the community will be discussed.
- Keep a record of all Council acts and of all monies received and disbursed.
- Be familiar with bylaws.

- Attend annual training and All-Community Council meetings
- Submit an annual written report to the County concerning its activities during the previous year and a budget proposal for the next or coming fiscal year.
- Follow Montana law and Missoula County policies.

Authority of Community Councils

Letters, comments, emails and other correspondence Community Councils provide to the Commissioners ultimately help the Commissioners make decisions on various projects and keep them informed about important issues facing rural communities. While the Commissioners encourage Community Councils to think about their communities as independent, Councils also need to remember that each Council is an extension of the Office of the County Commissioners.

Councils are only advisory to the County Commissioners and have no authority to advise tribal, state, federal or other entities on projects grants, or other policies. If Community Councils wish to comment on any project, be it county, tribal, state, federal or other, Councils are limited to provide those comments to the County Commissioners who may then advise the other entities accordingly. Community Councils should not directly comment to other agencies, but should rather provide recommended comments to the County Commissioners.

Community Councils are extremely useful to the County Commissioners when they can provide their perspective about the range of issues and opportunities associated with projects and programs in their communities instead of only providing recommendations on a limited number of issues or projects. The Commissioners also appreciate receiving information about the range of perspectives on an issue.

Community Councils are prohibited from taking a position during an election on candidates, ballot initiatives, and/or referenda. They are also prohibited from taking positions on local, state and federal bills and from lobbying the Legislature or Congress. A Community Council may express its opinion about legislation to the Board of County Commissioners. Also, individuals may take a position or testify on their own behalf, but not as representatives of a Community Council.

For more information on Community Council authority, please refer to Appendix D.

History of Community Councils in Missoula County

Community Councils in Missoula County were initially established in Seeley Lake (1987) and Lolo (1994). Four more Councils were created between 2006 and 2008: Bonner Milltown, East Missoula, Swan Valley and West Valley (Frenchtown, Huson, Nine Mile). Finally, a proposal for formation of the Evaro-Finley-O'Keefe Community Council was approved by voters on November 3, 2009.

Table 1. Community Council Creation in Missoula County

| Community Council | Boundary | Date of Community Vote |
|----------------------|---|--|
| Bonner-Milltown | Bonner School District 14 | May 2, 2006 |
| East Missoula | East Missoula Sewer District | November 7, 2006 |
| Evaro-Finley-O'Keefe | Evaro 1 and Evaro 2 | November 3, 2009 |
| Lolo | Lolo & Woodman School Districts, 7 & 18 | April 5, 1994 |
| Seeley Lake | Seeley Lake School District 34 | June 25, 1987 Established by BCC Resolution per Citizen Petition |
| Swan Valley | Swan Valley School District 33 | November 7, 2006 |
| West Valley | West Valley Community | November 4, 2008 |

Community Councils currently cover 56.1% of the geographic area of Missoula County (including the City of Missoula). See page 9 for a map of Missoula County with the boundaries of the Community Councils.

STATE LAW AS IT PERTAINS TO COMMUNITY COUNCILS

Authority

Montana state law authorizes the creation of Community Councils as part of County government. Their creation is outlined in 7-3-516 Montana Code Annotated (MCA). Please refer to Appendix B.

Elections

There are two different types of elections for Community Councils. The first occurs at the startup of a Community Council, when citizens of a designated area vote on whether or not to create a Community Council for their community. A Council will be created if the majority of people vote in favor of the Council's formation (this is a straight yes-no tally). The second type of election is for the selection of Community Council members. The nominee with the most votes selected by the community wins the election. During the process of establishing a Community Council, some communities choose to have the initial membership of a Council appointed by the Board of County Commissioners. In this case, elections to select new members occur when the initial terms of appointment expire. If the community desires to have its initial Community Council membership elected by vote, the vote will occur during the next scheduled election. Elections for Community Councils are run by the Missoula County Office of Elections. For more information on Council member elections, please refer to Appendix C. Please note that write-in candidates must register with the Elections Office 10 days prior to the date that absentee ballots are to be made available to the public. Elections may also be used to change the boundary of a Community Council, see Appendix I.

Sunshine Laws

The State of Montana has some of the broadest "sunshine" laws (Open Meeting and Public Records Laws) in the nation, which stem from the state's constitution, (Article II Sections 8 and 9, Right of participation and Right to know). The requirements for notice and providing opportunities for citizen participation are codified in MCA 2-3-101 et seq. (Notice and opportunity to be heard) and MCA 2-3-201 et seq. (Open meetings). In addition, the Public Records law, MCA 2-6-101 et seq., describes the requirements for maintaining records and making them available to the public. See Appendix B for Montana Code Annotated as it applies to Community Councils and relevant Missoula County legal memos in Appendix D.

Essentially, the goal of these laws is for all governmental entities, including boards and Councils and their subcommittees, to provide opportunities to citizens to participate in government and give input prior to final decision of the governmental entity. According to the open meeting law, a meeting occurs when a quorum (as defined in each Council's bylaws) of the members is convened by any means and members hear, discuss or act upon issues they have jurisdiction over (the concept of a quorum should also be applied to subcommittee meetings). A "quorum" is the minimum number of members that when duly assembled for a regular or special meeting is able to take action on Council items. When a meeting occurs, then the meeting must be open to the public, properly noticed, an agenda made available, and appropriate meeting minutes must be kept and made available to the public. In addition to minutes, Councils need to keep communications sent and received as part of their records. When in doubt, all boards, committees and subcommittees are encouraged to err on the side of transparency. Additional information regarding meetings and record keeping can be found in Chapter 2: Community Council Operations.

Code of Ethics

Community Council members are governmental officials and as such are required to follow the Montana Code of Ethics (MCA 2-2-101 et seq.) which states that Council members may not:

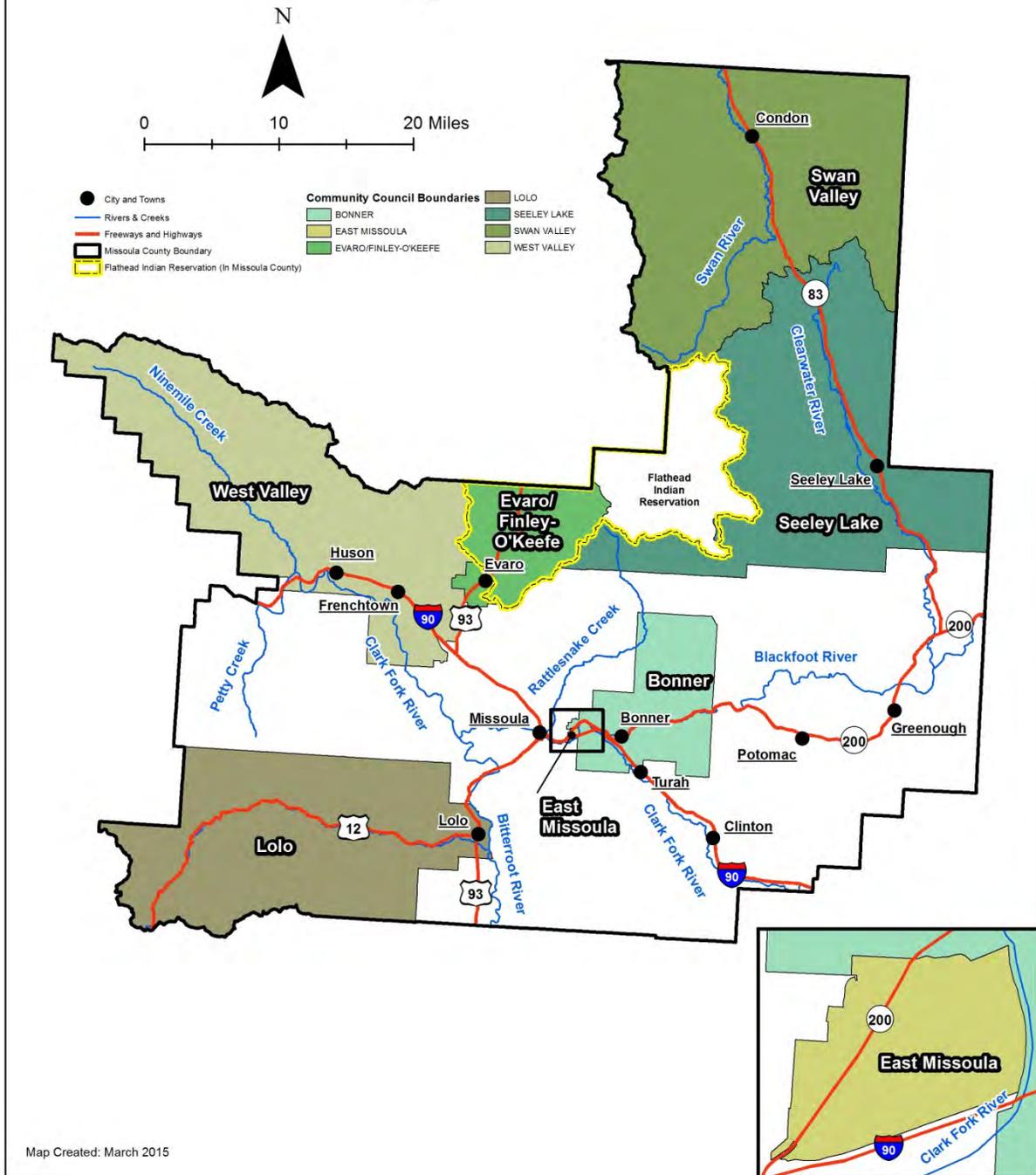
Accept a gift of substantial value or a substantial economic benefit tantamount to a gift that 1) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or 2) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

Additional discussion regarding the Code of Ethics can be found in Chapter 2: Community Council Operations. Also see Appendix B.

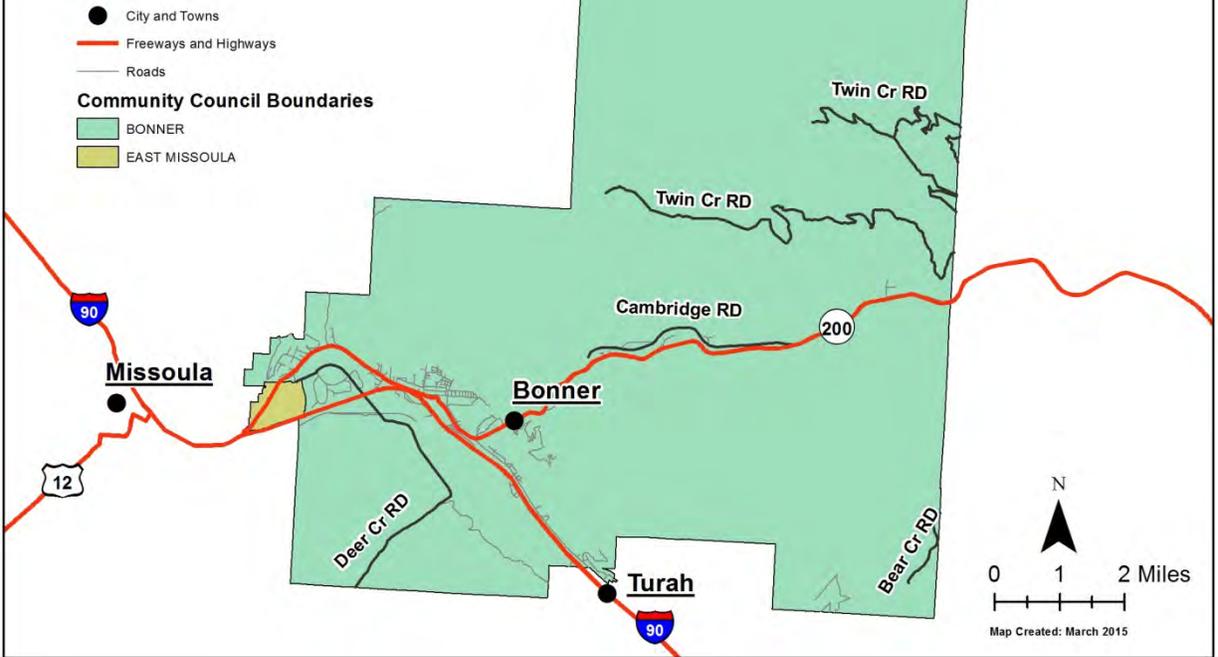
CURRENT COMMUNITY COUNCILS

The following pages give a glimpse at the 2015 Community Councils in Missoula County. For a roster of current members, please refer to Appendix L at the end of the Handbook. Information about Community Councils can also be found on the following Community and Planning Services' webpage: www.co.missoula.mt.us/mccaps/communitycouncils.htm and in Appendix C.

Community Councils Missoula County, MT



Bonner-Milltown Community Council



BONNER-MILLTOWN COMMUNITY COUNCIL

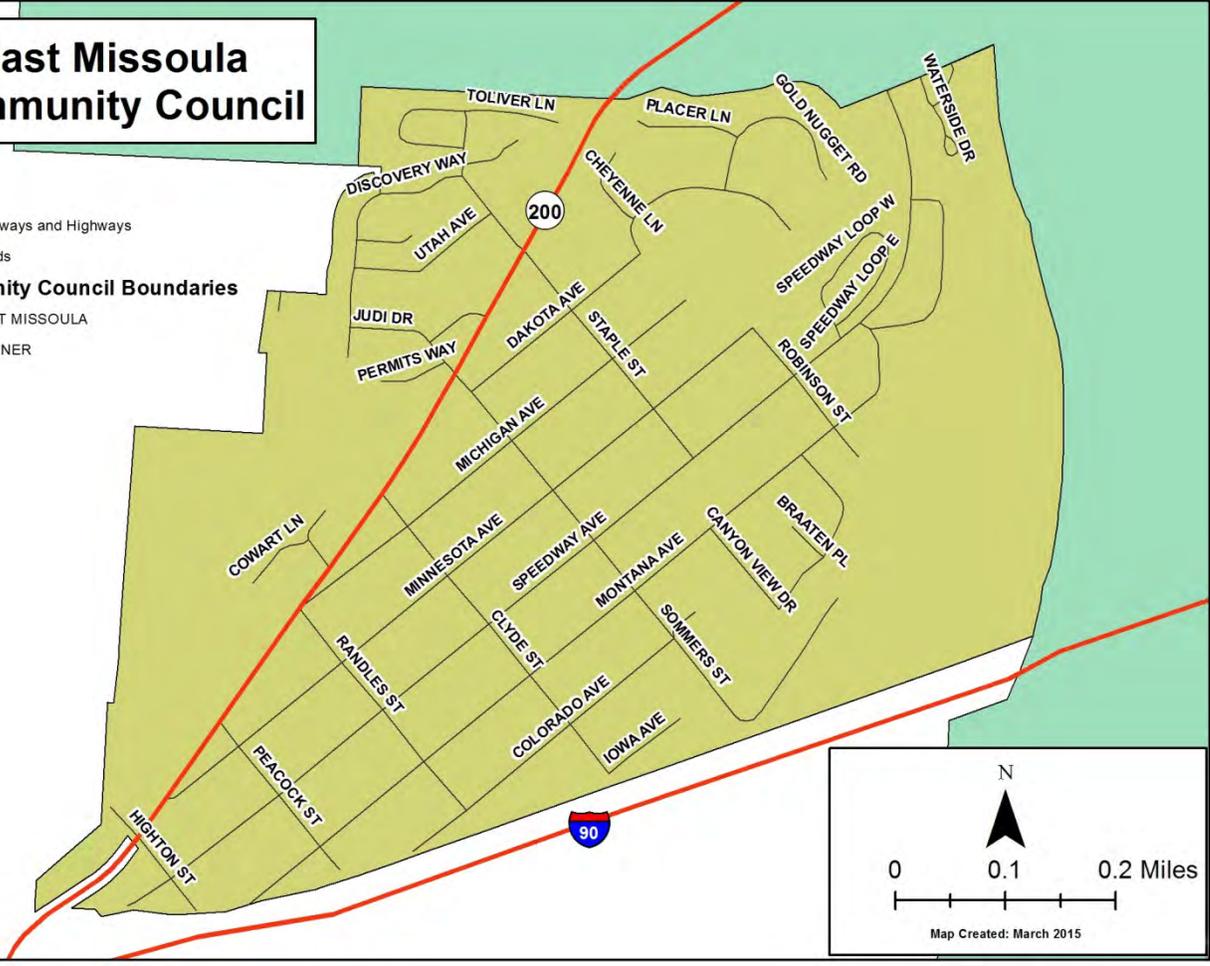
| | | | |
|-------------------------|--|------------------|--|
| Meeting Details | 2 nd Monday of the month, 7:00 p.m., Bonner School Library | Council Address | PO Box 655 Milltown, MT 59851 |
| Public Records Location | Bonner School Library | Council Boundary | Bonner School District |
| Date Established | May 2, 2006 | Membership | 5 Members (see Council Roster, Appendix L, at the end of the Handbook for a list of current members) |
| Other Information | www.co.missoula.mt.us/mccaps/communitycouncils/bonner.htm | | |

East Missoula Community Council

— Freeways and Highways
— Roads

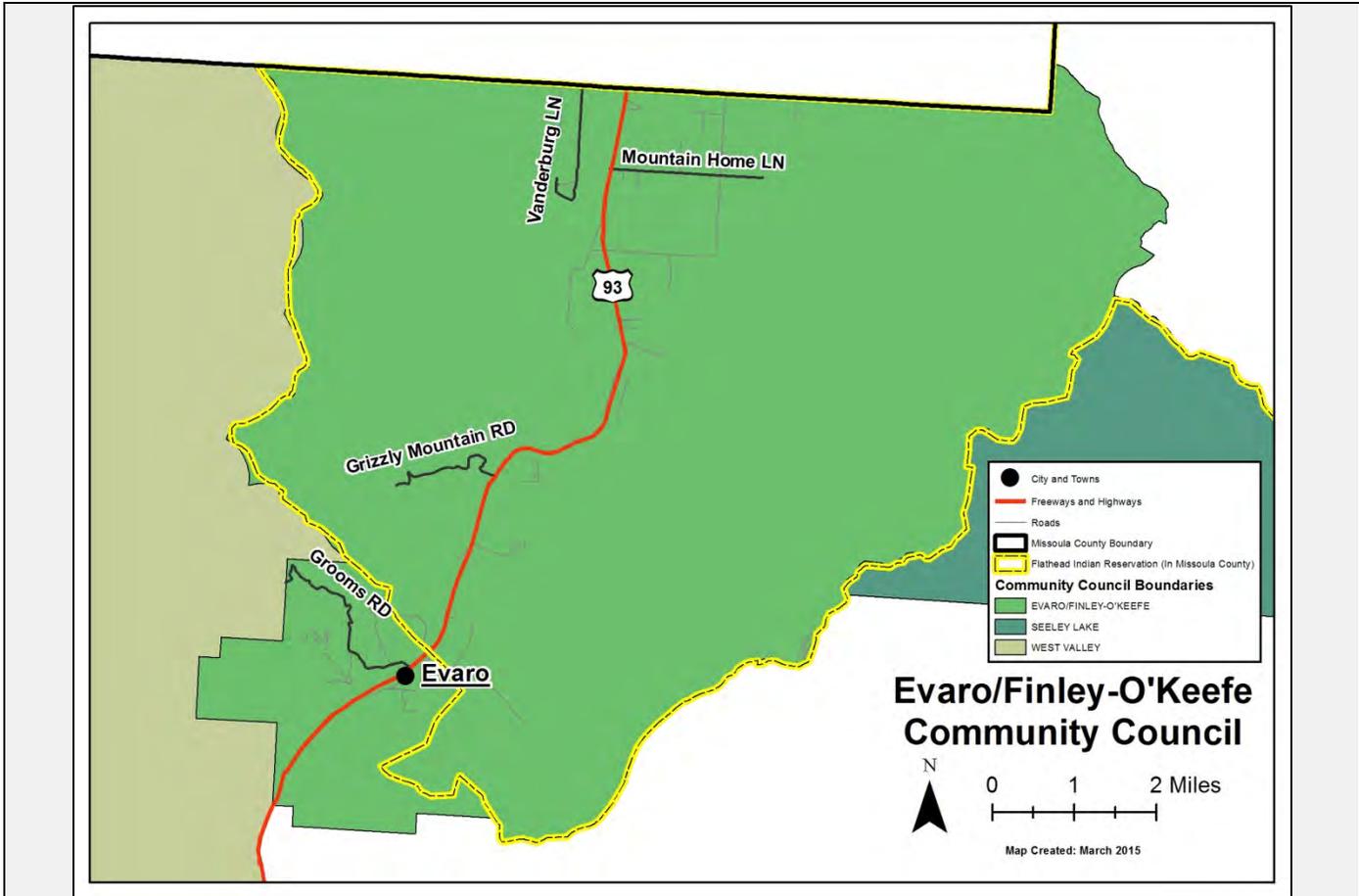
Community Council Boundaries

■ EAST MISSOULA
■ BONNER



EAST MISSOULA COMMUNITY COUNCIL

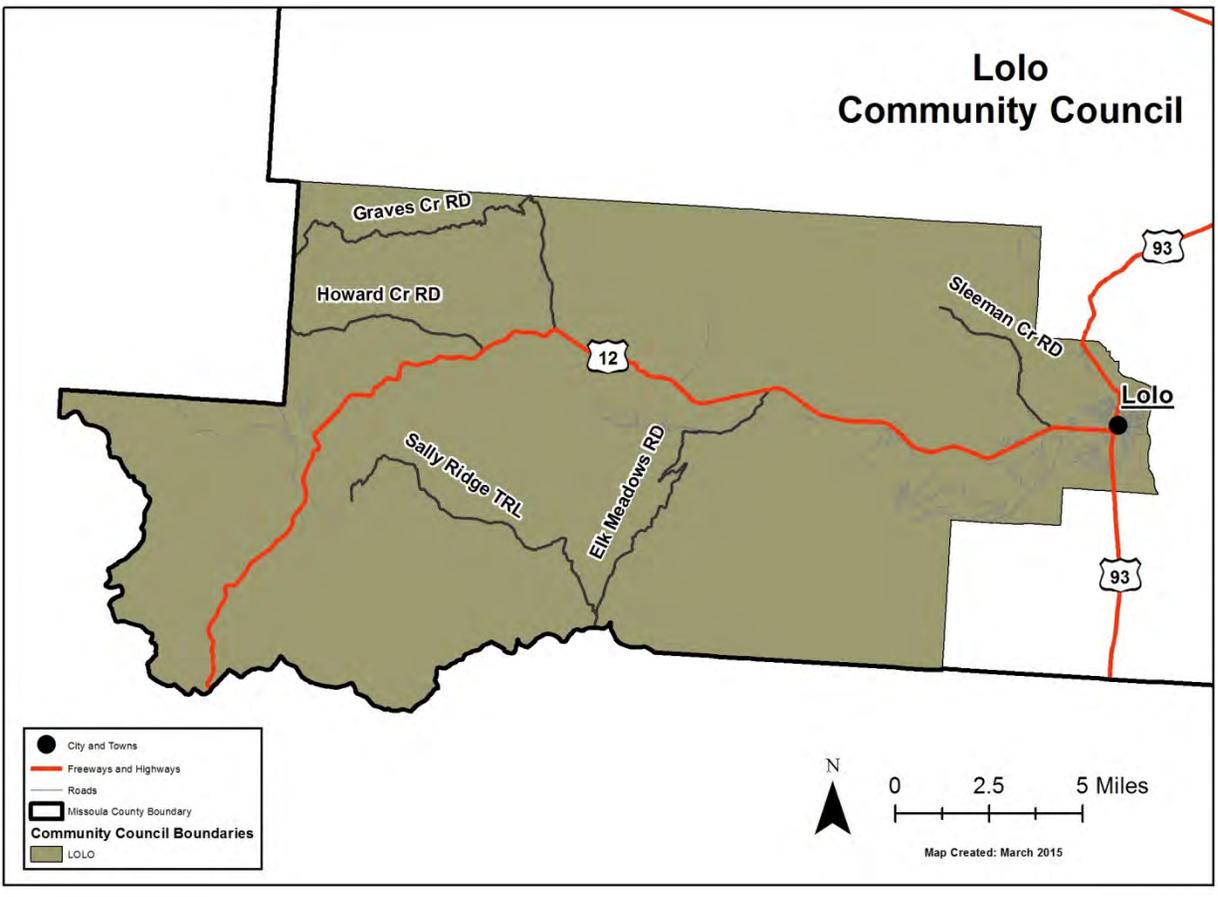
| | | | |
|--------------------------------|---|--|--|
| Meeting Details | 4 th Monday of the month, 7:00 p.m., East Missoula Community Hall <i>(this Council usually does not meet during the months of June - August)</i> | Council Address | PO Box 11 Milltown, MT 59851 |
| Public Records Location | Please contact the current chair of the community council for Public Records. | Council Boundary | East Missoula Sewer District |
| Date Established | November 7, 2006 | Membership | 5 Members (see Council Roster, appendix L, at the end of the Handbook for a list of current members) |
| Other Information | | www.co.missoula.mt.us/mccaps/communitycouncils/eastmissoula.htm | |



EVARO-FINLEY-O'KEEFE COMMUNITY COUNCIL

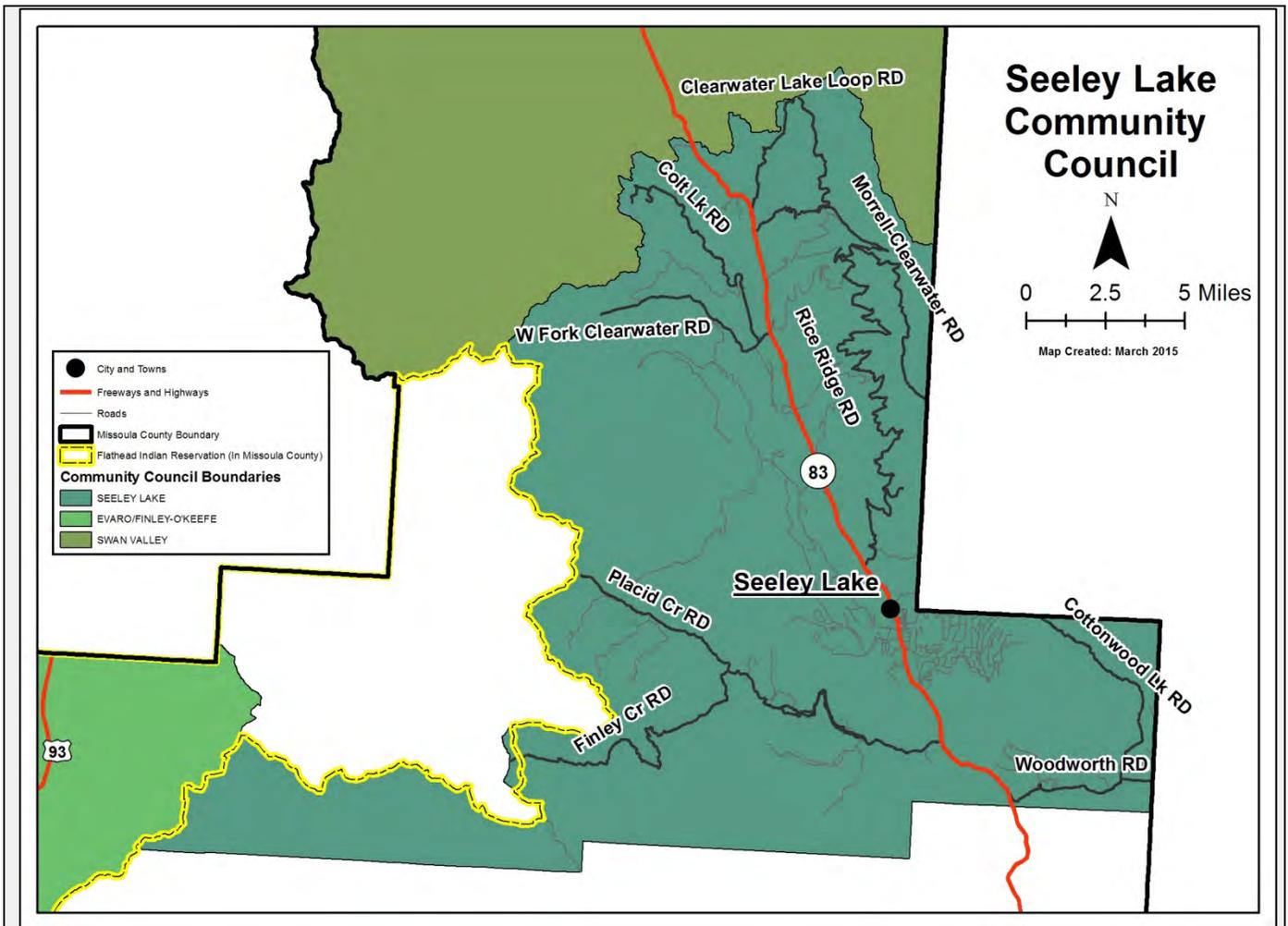
| | | | |
|---------------------------------------|--|---|---|
| <p>Meeting Details</p> | <p>3rd Wednesday of the month, 7:00 p.m., the Evaro Community Center (located on Hwy 93 at Grooms Road)</p> | <p>Council Address</p> | <p>PO Box 17424, Missoula, MT 59808</p> |
| <p>Public Records Location</p> | <p>Evaro Schoolhouse/Evaro Community Center</p> | <p>Council Boundary</p> | <p>Evaro 1 and Evaro 2 (formerly Precincts 39, 40, 41, and 42)</p> |
| <p>Date Established</p> | <p>November 3, 2009</p> | <p>Membership</p> | <p>5 Members (see Council Roster, appendix L, at the end of the Handbook for a list of current members)</p> |
| <p>Other Information</p> | | <p>www.co.missoula.mt.us/mccaps/communitycouncils/evaro.htm</p> | |

Lolo Community Council

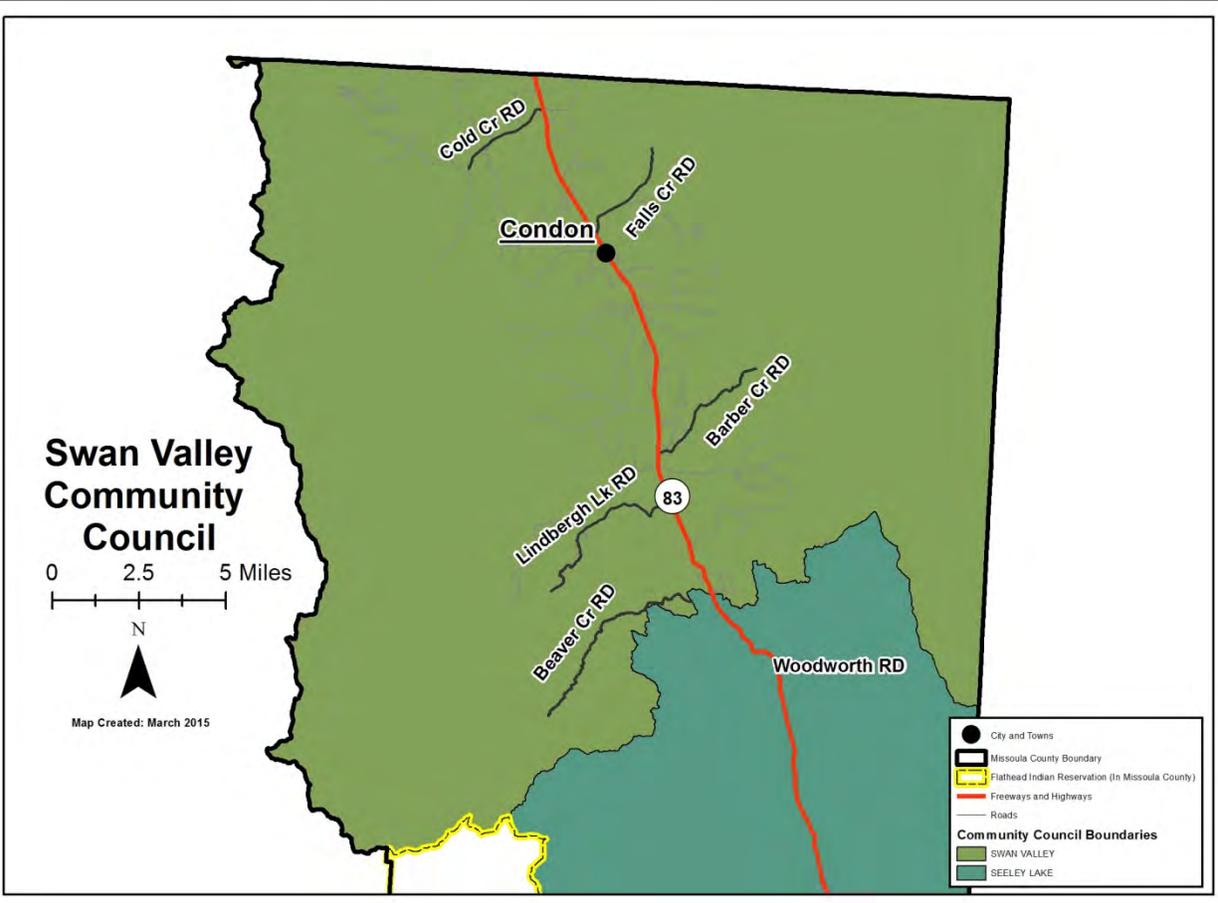


LOLO COMMUNITY COUNCIL

| | | | |
|--------------------------------|--|--|--|
| Meeting Details | 2 nd Tuesday of the month, 7:00 p.m., Lolo Community Center | Council Address | c/o Sue Hadnot PO Box 1633 Lolo, MT 59847 |
| Public Records Location | Lolo Community Center | Council Boundary | Lolo and Woodman School Districts |
| Date Established | April 5, 1994 | Membership | 7 Members (see Council Roster, appendix L, at the end of the Handbook for a list of current members) |
| Other Information | | www.lolocommunitycouncil.com www.co.missoula.mt.us/mccaps/communitycouncils/lolo.htm | |



| SEELEY LAKE COMMUNITY COUNCIL | | | |
|-------------------------------|--|------------------|--|
| Meeting Details | 2 nd Monday of the month, 6:00 p.m., The Barn (Chamber of Commerce) | Council Address | PO Box 30 Seeley Lake, MT 59868 |
| Public Records Location | Missoula County Extension Office, 3360 Highway 83 North, Seeley Lake. <i>Please contact the current Seeley Lake Community Council Secretary to access public records.</i> | Council Boundary | Seeley Lake School District |
| Date Established | June 25, 1987 | Membership | 7 Members (see Council Roster, appendix L, at the end of the Handbook for a list of current members) |
| Other Information | www.seeleylakecommunitycouncil.com www.co.missoula.mt.us/mcccaps/communitycouncils/seeleylake.htm | | |



SWAN VALLEY COMMUNITY COUNCIL

| | | | |
|-------------------------|--|--|--|
| Meeting Details | 3 rd Monday of the month, 7:00 p.m., Swan Valley Community Hall | Council Address | PO Box 1156 Condon, MT 59826 |
| Public Records Location | Swan Valley Community Library | Council Boundary | Swan Valley School District |
| Date Established | November 7, 2006 | Membership | 5 Members (see Council Roster, appendix L, at the end of the Handbook for a list of current members) |
| Other Information | | www.co.missoula.mt.us/mccaps/communitycouncils/swanvalley.htm | |

West Valley Community Council



WEST VALLEY COMMUNITY COUNCIL

| | | | |
|--------------------------------|---|--|--|
| Meeting Details | 2 nd Thursday of the month, 6:00 p.m., Frenchtown Fire Station | Council Address | PO Box 14 Frenchtown, MT 59834 |
| Public Records Location | Frenchtown Library, currently located at Frenchtown Elementary School | Council Boundary | West Valley Community (Formerly Voting Precincts 34, 35, 36, 37 and 38) |
| Date Established | November 4, 2008 | Membership | 5 Members (see Council Roster, appendix L, at the end of the Handbook for a list of current members) |
| Other Information | | www.frenchtowncommunity.com www.co.missoula.mt.us/mccaps/communitycouncils/westvalley.htm | |

CHAPTER 2: COMMUNITY COUNCIL OPERATIONS

Chapter 2 addresses the day-to-day operations of Community Councils, including bylaws, guidelines for running a public meeting, the roles of Council members, and information about funding Council operations and financial record keeping.

BYLAWS

Bylaws govern the operations of a Community Council. Bylaws may vary in detail; however, they need to follow the Board of County Commissioners' adopted policies which guide bylaws for all Missoula County advisory boards.

The basic components of bylaws include:

1. Board membership, terms and membership termination provisions
2. General and specific powers and duties of the Council
3. Officers – responsibilities and selection process
4. Committees – who can appoint them and how they operate
5. Conduct of meetings – the basic form for the agenda and rules about how decisions will be made. For example, many boards follow some form of parliamentary procedure or Robert's Rules of Order.
6. Amendment – how bylaws can be amended

The bylaws are an official document prepared by a Community Council that must be reviewed by the County Attorney's Office, approved by the Board of County Commissioners, and filed with the Missoula County Clerk and Recorder's Office (this includes any amendments made).

One extremely important element of the bylaws is the decision-making framework to be used by a Community Council. Not many people are overly familiar with parliamentary procedure or Robert's Rules of Order and these procedures can be fairly complicated to follow. Occasionally you will find a local "expert" on these decision-making procedures, but that seems to be less and less common. The MSU Extension board handbook, *Serving on County Boards, Districts, Commissions and Committees in Montana*, provided to Council members includes a basic guide to motions that should help a Council function in most instances. There is also a guide to parliamentary procedure in Appendix E. A Council may be well-served by having at least one member take the time to learn more about using Robert's Rules of Order. When in doubt, it is a good idea to pause the meeting and look to a reference book rather than proceed with an incorrect process. For additional information about Robert's Rules of Order, there is a wealth of resources on the Internet and in books. It may also be possible to find some training opportunities that cover these topics.

Each Council should review bylaws annually to keep them up to date and to ensure that new members are familiar with them. To amend bylaws, refer to the specific amendment procedure in the current bylaws of the Council. Once revisions are completed and approved by the Community Council, the new bylaws are reviewed by the County Attorney's Office and subject to approval by the Board of County Commissioners. The Board of County Commissioners established policy regarding bylaws with Resolution 2008-155 and all Councils that had bylaws established prior to this date were required to review their bylaws and propose amendments to bring relevant provisions into compliance. Please see Appendix F for sample bylaws and the 2008 Resolution with recommended changes to bylaws. Bylaws for all Community Councils can be found on the corresponding CAPS webpage.

Council members are reminded that Community Council bylaws do not override federal, state or local regulations.

RUNNING PUBLIC MEETINGS

As extensions of the Board of County Commissioners, Community Councils are subject to Montana's sunshine laws including both the Open Meeting Law and the Public Records Law. The intent of these laws is to provide citizens with easy access to their government and a Community Council is part of this government.

For general information about serving on boards and how to conduct a board meeting, please also refer to pages 7-16 of Montana State University Extension's guidebook, *Serving on County Boards, Districts, Commissions and Committees in Montana*.

Open Meeting Law

In general, the meeting of a quorum of a governmental board "to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power," is to be considered a public meeting and the meeting may occur in person or by electronic means. (MCA 2-3-201 et seq.) A quorum of a Council should be defined within the Bylaws. Typically, it is a majority of the current membership of the board. It is important to avoid unintentionally holding a meeting by electronic means without adequate notice and access. Furthermore, due to the fact that this law is intended to be broadly interpreted, Missoula County has deemed that any committee or subcommittee of a board or advisory body that may also have "advisory power" must also follow public meeting requirements, including notice requirements. To maintain positive public perception of a Community Council's adherence to the open meeting laws, it is good practice to avoid discussing Council items with other Council members even with less than a quorum present. It is important to avoid unintentionally holding a meeting by electronic means without adequate notice and access.

Key procedures for holding a properly noticed public meeting include announcing and posting the meeting notice in a similar manner each time and conducting the meeting in a manner that allows a member of the public to participate. As noted above, boards, Councils, and subcommittees must be careful about any discussions that take place via electronic means such as email or telephone. Discussing an item that may be of significant interest by email/telephone should be avoided and instead email and phone calls should be used only to help organize a properly noticed public meeting at which time the item of interest can be discussed and the public may participate. Avoiding meeting by electronic means is a high priority; however, if there is an unintentional discussion that branches into substantive issues, a Council member should bring this item to the attention of the Council in their regular meeting and the Council should incorporate a hardcopy of the email discussion into the Council records to ensure access to the public.

Meeting Notices

It is Missoula County policy that notice of Community Council meetings, including meeting agendas, must be made available to the public and generally provided at least 7 days in advance of the meeting. Information about regularly scheduled meetings should be easily obtained by the public through posting (schools, community centers, post offices, markets, bulletin boards, etc.), email notification, website, and/or publication in the community calendar in a newspaper. Councils should use the same outlets to provide notice of their meetings each month. It is also important to maintain a regular meeting time and location to increase your community's awareness of your meetings.

Occasionally there is a need for a special meeting, meetings other than regularly scheduled meetings called by a Council. If the need to make a Council action or a particular opportunity requires a special meeting, the community should be given at least 48 hours notice and extra efforts should be taken to increase awareness. For all meetings, formal advertisement of meetings in a newspaper is not a requirement. The occurrence of special meetings (especially those with only 48 hour notice) should be kept to a minimum.

Councils are strongly encouraged to develop a policy or communications strategy for making Council contact information, meetings, communications, and business easily accessible to their constituents. A Council should provide details about where the public can expect to find information about regularly scheduled meetings and special events, including but not limited to special meetings, forums, town meetings, open houses, projects, etc. In addition, all subcommittee meetings (even if those subcommittees consist of less than a quorum of the Council)

must be advertised, open to the public, with summary minutes and an attendance list taken to document the meeting. Subcommittee meetings and special events should be announced at the regularly scheduled meeting. All meetings should be conducted in a public building.

Community Councils are required as part of their meeting notice to post their agendas and minutes on the CAPS website. For now, this can occur by providing the information to CAPS (caps@co.missoula.mt.us). Posting this information greatly benefits the Commissioners, other County departments and citizens who are increasingly able to access online information. Because the volume of information to be posted steadily increases, it is important to designate one person (likely the secretary or most tech-savvy person) to submit documents electronically. To ensure posting within 7 days of the meeting, agendas should be submitted to CAPS at least 10 days in advance of the meeting, and minutes as they are completed.

Increasingly, Community Councils are creating their own websites and Facebook pages to share information about their Council and the other infrastructure boards in their area. It is important to ensure that such websites are easy to access and navigate, are generally appropriate and understandable, and include a link to the County-hosted webpage managed by CAPS. Councils should also refer to the County's webpage for information on accessibility of web content when creating websites (www.co.missoula.mt.us/Accessibility/Default.aspx). Appendix G contains further resources for making websites compliant with the American with Disabilities Act.

Agendas

Missoula County requires that in addition to the prior posting of agendas as part of advertisement of meetings, agendas must be provided to the audience at each meeting. Agendas should provide for public comment on agenda items as well as a specific allocation of time for public comment on items not on the agenda. For public comment on items not on the agenda, a Council must not discuss these issues in any detail, but rather decide if and when the Council wants to discuss them and place them on the appropriate subsequent meeting agenda. This opportunity for comment may NOT include a listing of topics for discussion or announcement of individuals wishing to make a presentation. Agendas typically allow for continued discussion of old business items over a series of meetings (which should typically be noted on the agenda), but new business to be discussed by the Council should be postponed to the next meeting and appropriately advertised beforehand. It is strongly advised that Councils set their agendas for upcoming meetings during a regularly scheduled meeting to ensure equal access of Council members and the public in considering what should be on the agenda and when it will be discussed.

Example Public Meeting Agenda

| | | |
|--|---|-------------------|
| 6:00 PM | Call to Order | Chair/Facilitator |
| | Roll Call | |
| | Approval of Minutes | Secretary |
| 6:15 PM | Officer/Committee Reports - Treasurer - Standing Committees - Temporary Committees | |
| 6:25 PM | Public Comment for Items not on the Agenda (no discussion by Council on these items, no listing of topics/speakers) | |
| 7:00 PM | Old Business - Topic A o Presentation of issue or topic o Public Comment o Community Council action or decision - Topic B o Presentation of issue or topic o Public Comment o Community Council action or decision | |
| 7:30 PM | New Business | |
| 7:45 PM | Announcements | |
| 8:00 PM | Adjournment | Chair/Facilitator |
| <p>* Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Community Council meeting or event should contact the Council chair as soon as possible but no later than 48 hours before the scheduled event.</p> | | |

The formal guidance for decision-making during a meeting stems from the bylaws of an organization, which usually identifies either Robert's Rules of Order or parliamentary procedure as the method by which discussions will be guided and decisions made. Typically, the bylaws also identify the leadership of the Council and who will run a meeting, which is usually the president or the chair. In the absence of either the designated chair or another officer, a substitute should be chosen from amongst attending members; all public meetings require an acting chair and acting secretary.

In general, the County advises Community Councils to err on the side of being inclusive and to fully consider all sides of an issue. Additional steps may sometimes be warranted to ensure that all participants are comfortable enough to fully participate and to avoid having certain individuals or groups overrun a meeting or discussion. Sometimes it may be prudent for a Community Council to set the limits for public comment on a particular topic in order to ensure that all members of the public have equal opportunities to express themselves. To address these situations, it may be advisable at times to use ground rules and/or work with a facilitator or moderator.

Setting ground rules for discussions can also help further facilitate civil discourse in a community and they can be extremely useful when a Council needs to work through a community discussion that includes broad participation of community members (not just Council members). Ground rules are guidelines that are voluntarily and mutually agreed to by participants. Whereas bylaws govern the operations of a Community Council, a set of ground rules may guide discussion for everyone who participates in a Council meeting. Below are some sample ground rules.

Participants shall:

- Be respectful and not interrupt one another.
- Listen fully and sincerely try to understand the perspectives of other participants.
- Adhere to any time limits set by the Council.

- Agree not to attack or blame.
- Ask questions to help further understanding a situation or a participant's perspective.
- Express oneself in terms of personal needs, interests and preferences instead of establishing a position on a subject.
- Turn off cell phones and any other distracting electronic devices.

Sometimes a Council may require additional assistance for facilitation or moderation of a discussion. Having a third party facilitator allows all members of the Council and other participants in a particular discussion to participate at the same level, instead of having one person moderate or be perceived as controlling a discussion. This may be an essential element to fair and open discourse on a particular topic. There are a number of individuals with extensive experience in facilitation located geographically throughout the County. Facilitation skills are highly sought after and often times these individuals work for a fee; however, they may be willing or able to donate their time to a particular organization or discussion. Councils are encouraged to find individuals in their communities or area who have professional facilitation or mediation experience and assess their willingness to assist a Council when it is needed. Additionally, Councils may contact CAPS to evaluate the need for facilitation of a meeting or discussion and identify potential facilitation resources.

Maintaining a Public Record

Community Councils are required to keep a copy of their records in a location that is open and accessible to the public. At a minimum, Council members should be aware of and be able to explain to the public where they can find information about Council business including the Council's public records (meeting minutes, financial records, meeting agendas, communications including correspondence to the Council and communications between Council members, etc.). The official record must be a hard copy located in a public building.

Meeting minutes are a critical component of the public record for a Council. Written meeting minutes should provide an accurate summary of a meeting and include clear reporting of decisions and recommendations, including who made motions, who seconded and the results of the vote. As part of the public service mission and in the spirit of providing a transparent record of discussions and actions, it is in the best interest of every Community Council to provide a more detailed summary of the proceedings of a meeting rather than a simple recording of motions and decisions. In addition to the written summary minutes, Councils are encouraged to keep audio records of their meetings. Ideally, these are digital recordings that can be stored with less threat of being destroyed than analog recordings.

Between Meetings

Missoula County recognizes there are likely communications that need to occur among Council members between Council meetings, that part of the mission of Councils is to help improve communications about issues of interest and concern to an area, and that in the age of electronic communications tools like email make it easy to quickly forward information. However, these tools also make it easy to shift from passing along information or organizing a meeting at which such information is discussed, to having substantive discussions about issues among all or a portion of a Council, which should be done in a public meeting. As noted above, members of Community Councils are subject to the open meeting laws of the State of Montana; therefore, these communications must be minimized and limited to passing along information and logistical issues and not discussions of issues that have been, will be, or should be discussed by the Council as part of an open public meeting. To prevent any misunderstandings and in an effort to be as transparent as possible, Missoula County requires that Council members submit any such communications into the Council meeting records at the earliest opportunity. Each communication among Council members should be reviewed on a case by case basis to determine whether or not it warrants being included in the public record.

Subcommittees

A few Community Councils have formed subcommittees to deal with issues such as land use, parks and trails, and specific projects. This is often an opportunity to involve other members of the public in the work of the Council; however, there are a few guidelines that need to be followed:

- Adhere to public notice and open meeting laws including holding a meeting at a location open to the public, posting notice of meetings, keeping meeting notes, and recording committee actions.
- Ensure that at least one Community Council member is on the committee.
 - Assign the Community Council member with the task of contacting County offices with questions that arise. This helps to foster a good working relationship between the County and the Community Council members and identifies the issue or project as one undertaken by the Council.
 - Assign the Community Council member with the responsibility of reporting back to the full Council and make this an item on future agendas.
- Require that committee decisions and recommendations are brought to the full Council for any final decision or recommendations.
- Subcommittees need to follow the same guidelines and timelines for posting agendas and minutes as the regular council.

Guidelines for Hosting a “Meet the Candidate Forum” or Similar Events

Community Councils often serve as forums for people to share information. Several Community Councils have been asked to host “Meet the Candidate” style forums ahead of elections. For Community Councils that choose to do this, here are some guidelines to make sure these forums are conducted in a fair and open manner.

1. All candidates running for a particular office must be invited.
2. The forum needs to be set up in a way that each candidate has an equal amount of time to talk and share his/her perspectives.
3. Be very clear about the event format to the audience.
4. Clarify the role of the audience.

Please refer to Appendix D for the full memo on holding “Meet the Candidate Forum” guidelines, including other considerations to keep in mind.

Community Councils are prohibited from taking a position during an election on candidates, ballot initiatives, and/or referenda. They are also prohibited from taking positions on local, state and federal bills and from lobbying the Legislature or Congress. A Community Council may express its opinion about legislation to the Board of County Commissioners. Also, individuals may take a position or testify on their own behalf, but not as representatives of a Community Council.

Working with and Serving People with Disabilities

Missoula County continues to promote accessibility in its facilities and programs. As extensions of the Board of County Commissioners, Community Councils should be responsive to requests to improve their interactions with and service to people with disabilities—this means working with both fellow Council members and community members with disabilities to come up with reasonable modifications. Resources are available through the County and in the Missoula community to assist Community Councils in improving the accessibility of their meetings and their communication tools and methods. Please see Appendix G:. Councils should add a version of the following text to their websites and agendas:

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Community Council meeting or event should contact the Council chair (or other designated member) as soon as possible but no later than 48 hours before the scheduled event. Requests for documents in Braille may take up to two weeks to fill.

Councils may contact Community and Planning Services for additional assistance about individual requests. Complaints that a County program, service, or activity is not accessible to persons with disabilities should be directed to Missoula County’s Americans with Disabilities Coordinator at 406-258-4877.

INFORMATION FOR INDIVIDUAL COMMUNITY COUNCIL MEMBERS

There are approximately 30 different County advisory boards and commissions, including all of the Community Councils. Volunteer board members dedicate thousands of hours to the benefit of the citizens of Missoula County. Community Council members are very important volunteers and their involvement is extremely important to the success of their Council and to Missoula County government. Appointed and elected Council members agree to serve without compensation except for reasonable and necessary expenses in the conduct of their business. Community Council members should serve their communities as leaders, facilitators, communicators and educators.

As described elsewhere in this document, Community Council members are selected by Commission appointment or election. Community Council Member terms begin on June 1st and end on May 31st. When there are mid-term vacancies, typically they are filled by the County Commissioners. Every Council member is required to take an oath of office administered by one of the County Commissioners at a regularly scheduled Commissioner meeting. New Council members can also call and set up an appointment to be sworn in by one of the Commissioners. The Missoula County Commissioner's contact number is 258-4877.

The oath of office is as follows:

I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the State of Montana, and that I will discharge the duties of my office, (Council Name) Community Council member, with fidelity (so help me God).

Training

During the first year of their term of office, new Council members must agree to participate in board training that is approved by the County Commissioners. The County will make appropriate training available to all members of advisory boards and commissioners on an annual basis.

Obligations

Members of a Community Council agree to comply with the letter as well as the spirit of Missoula County policies and procedures, especially fiscal and personnel policies. The Board of County Commissioners expects Council members, as representatives of their area, to try and put aside personal preferences and do their best to represent the area as a whole. They further expect members to make every effort to be open and transparent, even while recognizing that this may make processing issues and working through community discussions a lengthy process. Council members should not risk excluding community members and perspectives in order to speed things along.

Ethics

Members of Community Councils, as public office holders, should be aware of and guided by the Montana Code of Ethics which includes guidance on such ethical issues as conflicts of interest. Positions on Community Council are part of the public trust. It is extremely important to uphold the integrity of public office to build and maintain public confidence in a Council. All Council members must keep in mind that their duties as Council members are to be for the benefit of the people they serve.

Individual Council members, as part of the Community Council or by their own actions, are often recognized leaders in their community; however, individual members should be aware that when speaking on behalf of a Council they should promote the perspective and recommendation of that group and they need to be careful to distinguish when a position or opinion is their own personal opinion and not necessarily that of the Council. Council members are in positions of leadership and as part of a Council can effect change and help communicate perspectives and recommendations of their community to the Board of County Commissioners.

The Montana Code of Ethics can be found in MCA 2-2-101 et seq. and of particular interest to Community Councils is section 2-2-121 MCA which outlines rules of conduct for public officers and public employees. Please note that pursuant to MCA 2-2-104(1)(b), gifts to individual members may not exceed a value of \$50.00 in any fiscal year. Please refer to Appendix B.

Membership and Termination

To be considered for election to an open Community Council position, interested applicants must submit an Oath of Candidacy to the Elections Office. The Elections Office will confirm that the applicants are registered voters within the Council boundary. See Appendix C and Appendix I.

As stated above, Community Council members are often recognized as leaders in their community. Additionally, the significant amount of time they put into Community Council efforts is important to both local citizens and to the County and its departments. To maintain this high level of regard, it is important for Community Council members to serve their entire term. In the unlikely event of misconduct, an individual's membership on a Community Council may be terminated outside his/her terms of office. Typically, this can occur by resignation, by a member ceasing to reside within the area covered by the Council, or by the County Commission acting in the best interests of the Council upon the recommendation of the Council. Specific termination provisions are included in each Council's bylaws and members are directed to refer to those provisions for specific requirements and limitations on termination.

Conflict of Interest

Because Community Council members are frequently involved in many volunteer activities in their communities, another issue that commonly arises is a concern about "conflict of interest." A "conflict of interest" can occur when an individual's personal interests conflict with their duty as a Council member to uphold the public interest. One key to evaluating conflict of interest is to determine whether or not a Council member would receive direct financial benefit from the outcome of Council actions.

All Council members bring their unique experiences and interests to the table as Council members. Council members are often elected or appointed specifically because of their experience and background with a particular issue or issues such as education, natural resource management, farming, local business, real estate, social issues, etc. A conflict of interest can occur when a Council member experiences conflict between his or her personal interest and the public interest he or she has a duty to promote as a Council member and he or she selects to follow his or her personal interest over the public interest. A Council member has a responsibility to avoid having a conflict of interest. In the event that there is a conflict of interest or the potential perception of a conflict of interest, a Council member is advised to declare a real or potential conflict of interest to their Council to ensure transparency of Council activities and to publicly resolve any perceived or potential conflicts of interest. In addition to declaring a real or potential conflict of interest, the Council member in question may be advised, depending on the circumstances, to consider participating in that portion of the meeting as part of the audience and recusing him or herself from voting on the subject in question.

It is the policy of Missoula County that each member of a Community Council is required to fully disclose any business or professional activity which could form or have the appearance of forming the basis for a conflict of interest to their position on the Council. When such a disclosure is made, the minutes shall reflect the disclosure and the member shall refrain from voting on the matter. Failure to fully disclose as required by this policy may be grounds for removal from the Council member.

It is the duty of a Council member to ensure that ALL sides are informed and heard if a discussion comes before the Council. Council members should always try to go the extra mile to ensure that all perspectives are included in the discussion and that the Council is working on behalf of the entire area. If a Council member encounters a situation in which he or she must take a position because of personal or professional interests, it should be made clear that he or she is operating outside of a Council position.

FINANCIAL OBLIGATIONS AND OPPORTUNITIES

The County has typically provided basic funding at an even level (currently \$1,000 per year) for all Councils to help support their operations.

Community Councils are required to go through the County's budget process each year, similar to other County departments, agencies, and non-governmental organizations that receive funding support from the County. CAPS is the contact for the budgeting process. The County's fiscal year runs from July 1st to June 30th of each year. Community Councils are required to provide basic information to CAPS regarding their request for funding, including a request for funding and an outline of their work plan for the coming year.

Commissioners spend significant time between May and August conducting preliminary review of all budget proposals including assessing the fiscal situation of the County, establishing priorities, holding public meetings to consider proposals, and making decisions on enhancement requests. Generally, final decisions are made on the budget following release of the final figures from the Department of Revenue (DOR), which usually occurs in August and the final budget hearing usually occurs in September shortly following the DOR release of information. The details of each budget year vary and it is best to check with CAPS regarding the budget calendar.

Once a Community Council receives its allocation for the fiscal year, the Council must sign an agreement indicating it will use the funding in a manner consistent with County policies. Community Councils each set up their own bank accounts and as part of their monthly business, review their accounts through a report by the Treasurer. Council members must approve all expenses. At the end of the fiscal year, a Council must provide an end of year report of the expenditures and progress on their work plan. See Appendix J for the instructions and funding documents.

Councils are encouraged to supplement the resources provided by the County through local donations and fundraising. Councils can also work in partnership with the County and other organizations to apply for grants. The County is a tax exempt entity and as such, donations can be tax deductible. Donations can be provided for the Council operations or targeted towards a particular program or project. All fundraising and grant applications must follow County policies. Due to the fact that Community Councils are not legal entities and they cannot apply for grants and/or enter into contracts. Community Councils are required to work with a county department to partner on any grant proposals to ensure adequate County oversight of projects.

As previously noted, the County Commissioners provide a small operations budget to each Council. Recently this has been set at \$1,000 per year. As part of local government, Councils can accept donations and work in partnership with the County and other organizations to secure additional funding for projects. However, because a Community Council is not a separate legal entity and cannot apply for grants or enter into agreements, any grant proposals must be completed in coordination with a County department that will help ensure oversight of grant administration in accordance with County policies.

CHAPTER 3: MISSOULA COUNTY SUPPORT FOR COMMUNITY COUNCILS

Community Councils can be of great value and service to residents of the local area being served as well as to the County. However, they can also require a significant amount of time, effort and energy to start and operate over time. Community Councils are heavily reliant on local volunteers taking the initiative to develop the identity of their Councils, establish appropriate communications plans, discuss issues of local importance, and work on projects.

Missoula County can provide limited support to Community Councils as they conduct business in their individual communities. The County's primary goal for this support is to help Community Councils in their role of facilitating local discussion and serving as a local advisory body to the Board of County Commissioners. The County strives to help ensure Community Councils have access to information that keeps their operations moving as smoothly as possible and in accordance with Missoula County policies that encourage open and easy access to Council business and activities. In addition, Missoula County helps connect Community Councils with information and resources needed to help them guide community discussions on a range of issues, such as which agencies might be best to speak to on a particular issue. Missoula County also periodically partners with Community Councils, as resources allow and as budgeted, on specific projects that are of mutual interest, such as updating land use plans.

ADMINISTRATIVE SUPPORT FOR ESTABLISHED COMMUNITY COUNCILS

Membership and Member Terms

Membership and terms of Community Council members (and all other advisory board members) are tracked through the Board of County Commissioners' Office. This includes advertising openings, accepting and reviewing applications, selection of members and working with the Clerk and Recorder's Office on Council elections. Once members are selected or elected, they will be sworn in at a regular public meeting of the Commissioners. Alternatively, a new council member can make an appointment with an individual Commissioner to be sworn in. Please refer to Appendix C for more information on electing Council members.

Training of New Members and Councils

The County provides new Council members with a general advisory board handbook published by Montana State University Extension's Local Government Center, *Serving on County Boards, Districts, Commissions and Committees in Montana*, and the Missoula County Community Council Handbook.

Missoula County offers at least one training each year to all advisory board members and all Council members should attend. In the past, MSU Extension's Local Government Center has put on this training. Other trainers may be used in the future. Missoula County is also committed to looking for supplemental training opportunities in the area and providing information about those opportunities to Community Council members.

Missoula County periodically hosts All Community Council meetings. The purpose of these meetings is primarily to share Council experiences—both successes and challenges—across the county and to provide a forum for discussing additional needs of Community Councils. All Community Council meetings can also allow County staff and other agencies to provide information and updates on projects that may be going on in the county. All Council members are encouraged to attend this event; however, at a minimum, each Council is required to have one Council member attend.

Communications Assistance

Missoula County places a high priority on the role of Councils to provide a forum for public involvement in County government. CAPS staff provides limited assistance to Councils to help maximize their effectiveness in publicizing their activities using the most cost effective means available. Communication can be critical to community involvement with Community Councils and in general it seems to take time and trial and error to learn

what mechanisms work best in each community and area in order to get key opinion leaders involved. CAPS can provide assistance with the following:

- **Website** - Posting key documents on the Community Council section of the website such as meeting schedules, agenda, minutes, and member contact information. Councils have expressed interest in developing more detailed informational websites and although the County is limited in its ability to help with this effort, it is encouraged as a way to make information more broadly available. These sites should be linked to the CAPS website.
- **Bulk Mailing Permit and County Print Shop**- Central Services staff is available to work with Community Councils to distribute mail using the County's bulk mailing permit to reduce postage costs. They will help you design and print your mailing, work with the County Print Shop and will guide you through the process of forming an address list that best covers your Council area. It is best to contact Central Services immediately after a meeting when you decide to do a mailing so they can help you meet deadlines with the Print Shop and Post Office. Please call 258-3496 or 258-3465.
- **Media Releases** – The Missoula County Communications Department can help Community Councils with initial preparation of media releases and provide a list of media contacts. Since Community Councils are County entities, we ask that any Media Release or notification sent to news organizations also be sent to the CAPS office, which will then be sent to the County Communications Department for any additional media release.
- **E-Newsletter** – CAPS publishes an e-newsletter where Councils can find information about a variety of activities and initiatives going on across the County. The newsletter is published monthly around the 1st of each month. Councils are encouraged to submit items for inclusion in the newsletter and to further distribute the newsletter to other interested citizens in their area.
- **Mailing lists** – CAPS can assist in developing mailing lists for Community Council outreach. CAPS can create the mailing list and mail out on behalf of the Council. The Council should expect to pay postage, unless CAPS and the Council have negotiated a different arrangement. It is critical to note that these lists must be used for County business and not disseminated in any way for non County business. Mailing lists may not be given, sold or loaned to any other person, business, agency or non-profit organization (MCA 2-6-109).
- **Liaison** – CAPS can serve as a liaison between Community Councils and agencies, non governmental organizations, other county departments, and the Board of County Commissioners.

Community Council Start-up

Community and Planning Services staff guides interested citizens through the process of establishing a Community Council. After an informational meeting with CAPS, the first step is for citizens to gather support in the area by submitting a petition to the BCC. CAPS staff will then assist interested individuals to develop a timeline for the process, identify potential Council boundaries, discuss a publicity plan and schedule requisite meetings with the Commissioners. If at all possible, Council boundaries should be defined such that elections can be easily held. Petitions are processed by the Clerk and Records Office. Community and Planning Services staff provides access to information about Community Councils and how they operate in different communities.

If sufficient interest is shown, CAPS works with interested members of the public and the BCC to hold a public meeting in the area to discuss potential interest in a Community Council and answer questions about Community Councils. After the informational meeting, CAPS typically works with interested citizens and the Commissioners to organize a public hearing to determine whether or not a Community Council is appropriate for the proposed area. At the hearing, the Commissioners take comment on the need for a Community Council, the proposed boundaries, the number of members, whether or not to appoint the Council's first members, and other matters regarding the establishment of a Community Council.

If the Commissioners find that support is shown from a broad spectrum of the community and the proposed ballot language reflects the public input and interest, the Commissioners may pass a resolution to add the question of whether or not to establish a Community Council on an upcoming ballot. Councils are elected from within the voting district or authorized by ordinance (MCA 7-3-516).

Once a Council is established by community vote, the County works through the identified means (either appointment or election) to identify new Council members. CAPS will work with the new Community Councils to organize their initial meeting and help them through their initial business such as developing bylaws. Once operational, CAPS will send new Councils the paperwork for County funding. Generally, the application procedure for Community Councils to obtain County funds is as follows:

- 1) complete the application form;
- 2) wait until award of application, and new budget year beginning July 1;
- 3) sign an agreement with the County;
- 4) receive payment from the County through CAPS; and
- 5) complete annual reports to CAPS.

(More detail on the procedures and timeline for creating a Community Council can be found in Appendix I. Please refer to Chapter I for a list and maps of current Community Councils and their boundaries.)

FINANCIAL SUPPORT

The County Commissioners provide a small operations budget to each Council. Recently this has been set at \$1,000 per year. As part of local government, Councils can accept donations and work in partnership with the County and other organizations to secure additional funding for projects. However, because a Community Council is not a separate legal entity and cannot apply for grants or enter into agreements, any grant proposals must be completed in coordination with a County department that will help ensure oversight of grant administration in accordance with County policies.

PROFESSIONAL AND TECHNICAL ASSISTANCE

The County provides limited professional and technical support to Councils. For those issues associated with current County programs, regulations and policies, CAPS staff can work with Councils in a liaison capacity to identify appropriate County agencies to provide information on those subjects. In doing so, Missoula County also facilitates access to County departments that work on a variety of issues that are often of interest to Community Councils such as Health (air and water quality and public health), Grants and Community Programs (GCP) (grants administration), Public Works (building permits, road, bridge and sewer system infrastructure), and Parks and Trails (land acquisition and improvements for parks and trails). In very limited circumstances, through the request from CAPS, the County Attorney's Office may provide advice as well.

CAPS staff can also provide direct assistance with land use planning and other rural land use and conservation issues. However, significant projects must be prioritized along with other work plan elements. Often there is a backlog of projects and the Board of County Commissioners must assess the need for the project, benefit to the community, readiness of the community to undertake the project, and the level of priority given other project proposals. In many cases, significant projects require adjustment of, or incorporation into, the CAPS (or other appropriate department) work plan and budget.

Additional support from the County can be provided in the form of grants administration through a department that is partnering on a particular project or through GCP.

OTHER REFERENCES

Please refer to Appendix K for a list of other resources available for Community Councils.