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BY-LAWS

EAST MISSOULA COMMUNITY COUNCIL

ARTICLE I

AUTHORIZATION

The East Missoula Community Council was created by the Board of County Commissioners of Missoula County, Montana, in accordance with MCA 7-3-111 and MCA 7-3-417.

ARTICLE II

PURPOSE

Section 1 The primary and specific purpose is to advance and promote the interests and welfare of the citizens of the East Missoula Community as defined herein.

Section 2 The general purposes are to act as liaison between the citizens of the East Missoula Community and the Missoula County Commissioners; to provide all types of information deemed useful, beneficial and helpful to the Commissioners in making decisions which affect the East Missoula Community; to inform the citizens of the East Missoula Community of issues being considered by the Missoula County Commissioners which may have an impact on the East Missoula Community; to provide leadership, support, and to serve as a channel of communications with local, county, state, and federal government officials and agencies regarding matters of concern to the citizens of the East Missoula Community.

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ARTICLE III

DEFINITIONS

- A. "Council" shall mean the East Missoula Community Council;
- B. "Commissioners" shall mean the Board of County Commissioners Missoula County' Montana;
- C. "The East Missoula Community" shall mean the geographic area represented by the East Missoula Community Council. This area shall be the same as the East Missoula Sewer District
- D. "MCA" shall mean Montana Code Annotated as amended.

ARTICLE IV

DUTIES AND RESPONSIBILITIES

The Council shall have the duty and responsibility to:

- A. Serve in a purely advisory capacity with no power to levy taxes or to impose its will on the citizens of the East Missoula Community.
- B. Promote the purposes described in Article II, by facilitating communication with and among the boards which govern the East Missoula Community infrastructures.
- C. Communicate regularly with the citizens of the East Missoula Community by any means deemed necessary and desirable in order to obtain comments and suggestions regarding issues which are of concern to the community.
- D. Attend meetings of the Commissioners and other county boards and commissions and any other meetings at which issues of importance to the East Missoula Community will be discussed. Attendance may be by the entire Council or its designated representative.
- E. Keep a record of all of its acts and of all monies received and disbursed by it.
- F. Make an annual report to the Commissioners concerning its activities during the previous year. This report shall consist of a cover page summarizing the highlights/ important issues throughout the year attached to the East Missoula Community Council meeting minutes.



ARTICLE V

ELECTION AND APPOINTMENT

Section 1 Number and Composition:

The total number of Council members shall be five (5). Members shall be residents of the East Missoula Sewer District.

Section 2 Selection and Term:

- A. Five (5) Council members shall be elected following the procedures as set forth in MCA 7-33-2106, 13-1-104 and 13-1-401. Qualified electors to vote on the East Missoula Community Council shall be all the voters registered to vote within the boundaries of The East Missoula Sewer District.

- B. The term of office shall be three (3) years, beginning at the first Council meeting following the election or until their Successors are elected and qualified.
- C. The terms of the Council members shall be staggered so that either two (2) members or one (1) member shall be elected at any one time.
- D. At the initial election, which shall be for all five (5) members, the two (2) persons having the highest number of votes shall be elected for three (3) years, the two (2) receiving the next highest number shall be elected for two (2) years and the one (1) receiving the next highest number shall be elected for one (1) year.

Section 3 Resignations and Vacancies:

- A. Resignations from the Council shall be in written form.
- B. Vacancies occurring on the Council shall be filled within thirty (30) days. Appointees shall hold office until the next regular election and, if elected at that time, will serve the unexpired term of the vacant post.
- C. In the event that a Council member misses three (3) consecutive regularly scheduled meetings of the Council without good cause, such member may be removed from the Council by a majority vote of the other Council members.
- D. Vacancies shall be filled by the Commissioners.

ARTICLE VI

OFFICERS AND DUTIES

- Section 1**
- A. The Council shall elect from its members a Chair, a Vice Chair, a Secretary, and a Treasurer at its first regular meeting following annual elections,
 - B. The Chair shall preside at all meetings and shall perform all other duties as may be prescribed in these By-Laws or by Council action.

The Chair, or any member acting in his/her absence, shall be entitled to participate fully in discussing and voting motions before the Council.
 - C. The Vice Chair shall have the authority to act as Chair in the Chair's absence or disability.



The Vice Chair shall have the duty of conveying to the Commissioners, either by joint meeting or by letter, all advisory communications that have been approved by the council.

- D. The Secretary shall be responsible for keeping the minutes of each meeting and shall act as Chair in the absence of the Chair and the Vice Chair.
- E. The Treasurer shall keep accurate records of all receipts and disbursements of monies received and paid by the Council and shall provide a monthly report to the Council of all financial activity to date. Financial records shall be available to the public for their inspection at such times as the Council shall deem reasonable.

- Section 2**
- A. The terms of the officers shall be for a period of one (1) year commencing at the first regular Council meeting following their elections.
 - B. The Council may, at any time, remove any officer from his/her duties upon a majority vote of the Council.

ARTICLE VII

MEETINGS

- Section 1**
- A. Regular Meetings: The Council shall fix the time and place for holding regular meetings. Notice of time, place and agenda will be published in the *Missoulian*.
 - B. Special Meetings: Special meetings of the Council may be called by the Chair or by a quorum. The Chair shall give to all members, at least seven (7) days in advance, notice of each special meeting. Public notice will be published in the *Missoulian*.

- Section 2**
- A. Quorum: A quorum shall consist of three (3) members. No action of the Council may be taken unless authorized by a quorum present at a regular or special meeting.
 - B. Voting: All questions at meetings of the Council shall be decided by majority vote of those entitled to vote and present at the meeting. Each member is entitled to one (1) vote.
 - C. Open Meeting Law: All meetings shall be conducted in accordance with Montana State Open Meeting Law.
 - D. Minutes: All meetings will be documented with minutes and will include the final vote on all actions and the vote of each member. Minutes will be made available to the public in a timely manner.

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- E. Rules of Order: Roberts Rules of Order shall apply in all parliamentary matters, except as expressly stated herein and unless the context hereof requires otherwise.

Section 3 Code of Ethics:

- A. The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers and employees. A Council member or employee shall carry out his/her duties for the people of the East Missoula Community.
- B. Any such person whose conduct departs from his/her duty shall be liable to the people of the East Missoula Community.
- C. No Council member or employee shall:
1. Disclose or use confidential information acquired in the course of his/her duties to further substantially his/her personal interest;
 2. Accept a gift of substantial value or a substantial economic benefit tantamount to a gift;
 3. Acquire an interest in any business or undertaking which he/she has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by this Council; and
 4. Within six (6) months following the voluntary termination of his/her office or employment, obtain employment in which he/she will take direct advantage, unavailable to others, of matter or matters with which he/she was directly involved during his/her term of office or employment.



- Section 4** Conflict of Interest: A member of the Council who may have a financial or personal interest in an item under consideration by the Council shall declare that he/she may have a conflict of interest. The Council shall then decide whether such member has such a conflict. That member shall be excused from the Council in the decision on the conflict and shall not participate in the vote taken on the item. If it is determined that such member has a conflict, he/she shall not participate upon a vote or discussion of such item. Such member may participate as part of the public in attendance in providing information to the Council on the item. Any disqualification shall be entered into the minutes of the meeting.

ARTICLE VIII**ORDER OF BUSINESS**

Unless otherwise determined by the Chairman the order of business of regular meetings shall be:

- A. Call to Order
- B. Roll Call
- C. Approval of Agenda
- D. Approval of Minutes
- E. Public Comment on items not on the agenda
- F. Treasurer's Report
- G. Communications
- H. Reports from Council Members
- I. Old Business
- J. New business
- K. Reopen Public Comment
- L. Adjournment

ARTICLE IX**COMMUNICATIONS**

Section 1 Personal communications of members: Any individual member shall not sign written communications to others using the Council name, unless approved by all other members.

Section 2 Informal Communications: It is understood that informal discussions between individual members of the Council and members of the community on various issues affecting the community will occur from time to time. It is the expectation that Council members will report the content of these conversations to the rest of the Council at the next regularly scheduled meeting in order to assure that the views expressed are known to the entire Council.

ARTICLE X**FINANCIAL MANAGEMENT**

Section 1 Funding: While the County has no obligation to fund the Community Council, it is recognized that funds may be available from various sources from time to time.

Section 2 Compensation for Services: No member of the Council or the officer thereof shall receive compensation for their services as Council members. To the extent that funds are available, the Council may, by resolution, authorize the reimbursement of actual and necessary expenses incurred.



Section 3 Checks and Drafts: All checks, drafts or other orders for the payment of money, notes and other evidences of indebtedness issued in the name of the Council shall be signed by such officer or Officers, agent or agents, and in such manner as shall, from time to time, be determined by resolution of the Council.

Section 4 Maintenance of / Access to Records: The Community Council shall maintain reasonable records of its proceedings and shall allow access to those records by the County and the County Auditor, any independent auditor employed by the County and to any duly appointed representatives of the State or Federal governments.

ARTICLE XI

COMMITTEES

Section 1 Standing Committees: Standing Committees of the Council members may be created for purposes and terms which the Council approves. Members will be appointed by the Council. All meetings will be documented with minutes.

Section 2 Special or Ad Hoc Committees: Special or ad hoc committees comprised of Council and non- Council members may be created by the Council for such special tasks as shall be needed or desirable for the purposes of the council and the East Missoula Community. The Chair will appoint the members. All meetings will be documented with minutes.

ARTICLE XII

LEGAL ASSISTANCE

Legal assistance may be provided to the Council by the County Attorney if the County Attorney has the resources to provide such assistance.

ARTICLE XIII

AMENDMENTS

Amendments to these By-Laws shall be introduced by any member of the Council at a regular or special meeting called for that purpose. All amendments proposed must be in writing and approved by the Missoula Board of County Commissioners before they are adopted.

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ARTICLE XIV

SEVERABILITY

If any provision of these By-Laws or any section, sentence, clause, phrase or word or the application thereof in any circumstances shall be held contrary to law, such portion are severable from the remainder of the provisions, and the validity of the remainder of these By-Laws and of the application of any such provision) sentence, clause, phrase or word in any other circumstances shall not be effected thereby.

ARTICLE XV

ADOPTION

The foregoing By-Laws were introduced before and approved by the Missoula Board of County Commissioners on the 5th day of June, 2007, and were adopted by the East Missoula Community Council on the 9th day of July, 2007.

East Missoula Community Council

Board of County Commissioners

Nina L. Conway
Chairman

Barbara Evans
Barbara Evans, Chairman

[Signature]
Vice Chairman

NOT AVAILABLE FOR SIGNATURE
Bill Carey, Commissioner

Ralph K
Secretary / **TREASURER**

Jean Curtiss
Jean Curtiss, Commissioner

[Signature]
Treasurer / **COUNCIL MEMBER**

APPROVED AS TO FORM AND CONTENT:

Robert A. Griffin
Council Member

[Signature]
Deputy County Attorney

ATTEST:

VICKIE M. ZEIER, Missoula County Clerk
DEPUTY
Clerk and Recorder

EXHIBIT "A"
EAST MISSOULA SEWER DISTRICT
(Map)



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