

# Missoula County Parks & Trails Advisory Board By-Laws

## ARTICLE I

### Purpose

The purpose of the Missoula County Parks & Trails Advisory Board is to monitor and evaluate issues relating to County parks and trails, and to report to the Board of County Commissioners with its recommendations.

## ARTICLE II

### Definitions

1. "Board" means the Missoula County Parks & Trails Advisory Board.
2. "Commission" means the Board of County Commissioners, Missoula County, Montana.
3. "MCA" means the Montana Code Annotated as amended.

## ARTICLE III

### Authority, General Powers and Duties

#### Section 1: Authority:

The Missoula County Parks & Trails Advisory Board was created on July 10, 2012 by the Commission in accordance with MCA 7-1-201 et. seq.

#### Section 2: General Powers and Duties:

General powers and duties of the Board are to monitor and evaluate issues relating to County parks and trails, and to report to the Board of County Commissioners with its recommendations.

#### Section 3: Specific Powers and Duties:

Within the authority allowed and generally consistent with plans and policies adopted by Missoula County, the Board shall:

1. Establish policy and adopt rules for its operations consistent with any and all plans and policies adopted by Missoula County and approved by the Commissioners.
2. Keep records and have responsibility for the custody of all records and documents of the Board.
3. Advise the Commissioners in:
  - a. Administering the County Parks & Trails Program;
  - b. Establishing park and trail policies, rules and public use requirements;
  - c. Reviewing and implementing plans, policies, programs, and regulatory and non-regulatory tools that support or impact parks and trails; and
  - d. Ensuring the most effective and efficient use of park funds.

Section 5: Limitation of Powers:

Powers of the Board are limited by these By-Laws and the requirement to comply with all policies and practices of Missoula County and all State and Federal laws.

**ARTICLE IV**  
**Organization and Membership**

Section 1: Organization:

1. The Board will consist of seven voting members appointed by the Commissioners. In addition, the Commissioners will appoint two alternate members. A representative from the Commission will serve as an ex-officio, non-voting member of the Committee.

Section 2: Status of Alternates:

1. Alternates are non-voting members of the Board. Alternates shall be called on to serve as a regular Board member in the order of their appointment dates, and under the following circumstances:
- a. To promote the conduct of business by seven members;
  - b. May fill the unexpired term of a regular Board member who resigns;
  - c. May advance to regular Board membership as vacancies occur; and
  - d. To temporarily replace a Board member excused for having a conflict of interest.

Section 3: Ethics and Conflicts of Interest:

1. A member who may have a professional, financial or personal interest in an item under consideration by the Parks & Trails Advisory Board shall declare the potential conflict of interest. The Board shall determine whether a conflict exists and the determination shall be entered into the minutes of the meeting. If determined that a conflict exists, the member shall not participate in the vote taken on the item. Failure to fully disclose as required by this Article may be grounds for removal from the Board for cause.
2. No member may disclose or use information acquired in the course of Board duties to further personal interest, accept a gift of substantial value or a substantial economic benefit tantamount to a gift, acquire an interest in any business or undertaking which he/she has reason to believe may be directly and substantially affected as to its economic benefit by official action to be taken by the Board.
3. Failure to comply with or fully disclose as required by this Article may be grounds for removal from the Board for cause.

Section 4: Terms of Office:

Members of the Board shall serve three-year terms with approximately one-third of the membership up for re-appointment each year. Members' terms will be limited to three (3) consecutive 3-year terms for a total of nine (9) years. If the Board of County Commissioners has not appointed a new member upon a term expiration, the outgoing member may be re-appointed to the Board for another three-year term. Partial terms and the time served as an alternate member will not count against the term limit. Alternates will serve terms chosen by the Commission. Terms expire on June 30 and new terms begin on July 1.

Section 5: Termination:

Membership on the Board may be terminated by the member's resignation, by the member ceasing to reside in Missoula County, or by the Commission acting in the best interests of the Board upon recommendation of the

Board. The Board may recommend termination of a member by a 2/3 vote of those entitled to vote if the member has missed three (3) consecutive regular meetings. The Chair will contact any member who has missed two (2) consecutive meetings and advise the member that a third consecutive miss may result in a recommendation for termination.

Section 6: Resignation:

A Board member's resignation from the Board will be by written communication bearing the member's signature and addressed to the Commission.

Section 7: Vacancies:

Vacancies shall be filled by the Missoula County Board of County Commissioners through appointment. All applicants are required to submit application materials for County Board positions.

Section 8: Compensation:

Members shall serve without compensation, except that reasonable expenses may be paid when travel or other activities occur as a result of Board activities. All expenses must be pre-approved by the Commission. Policies in this regard shall be proposed to, and adopted by the Commission.

**ARTICLE V**  
**Committees**

Section 1: Standing Committees:

Standing Committees composed of Board members and non-Board members may be created for purposes and terms approved by the Board. Members will be appointed by the Chair. All meetings will be documented with minutes.

Section 2: Special Committees:

Special or ad hoc committees comprised of Board and non - Board members may be created by the Board for such special tasks as shall be needed or desirable for the purposes determined by the Board. The Chair will appoint the members. All meetings will be documented with minutes.

**ARTICLE VI**  
**Officers and Duties**

Section 1: Officers:

The officers of the Board shall consist of the President, the Vice-President and such other officers as may be determined by the Board. The President shall be entitled to participate fully in discussing and voting motions before the Board. Any Board officer may be removed for cause upon a 2/3 vote of the Board.

Section 2: President:

The President shall be selected from the Board and shall preside at all meetings of the Board. The President shall have the usual powers and duties customarily vested in the office of President and shall perform other duties as may be assigned to the President by the Board. The President shall be entitled to participate fully in discussing and voting motions before the Board.

Section 3: Vice-President:

The Vice-President shall have the authority to act as President in the President's absence or disability.

Section 4: Elections:

Election of Officers will be held each year at the July meeting, or at a specific time designated by the Board. The Officers will take office immediately upon election.

Section 5: Term of Office:

Officers shall serve for a one-year term, consecutive terms are not limited.

**ARTICLE VII**  
**Regular and Special Meetings**

Section 1: Regular Meetings:

Regular meetings of the Board shall be held once a month and at a time and location to be set by the Board. Notice of time, place and agenda will be published in a *newspaper of general circulation*.

Section 2: Special Meetings and Committees:

Special meetings may be called by the President, by a majority of the Board, or by the Commission with seven (7) day notice to members and with 48 hours public notice. The notice shall include date, time, location, and agenda. Appropriate notice will be given for all committee meetings.

Section 3: Quorum:

A quorum shall be five members (or alternates acting in place of a member) who must be present for the conduct of business. No action of the Board may be taken unless authorized by a quorum present at a regular or special meeting.

Section 4: Voting:

Questions at meetings of the Board may be decided by the majority of those entitled to vote. Each member is entitled to one (1) vote.

Section 5: Open Meeting Law:

All meetings shall be conducted in accordance with Montana State Open Meeting Law (MCA. 2-3-201 et seq.).

Section 6: Minutes:

All meetings will be documented with minutes and will include the final vote on all actions. Minutes will be made available to the public in a timely manner.

Section 7: Records:

All records, including reports, correspondence, and finances, are public records pursuant to Montana law and must be made available for inspection and copying by members of the public. A reasonable fee may be charged for copies.

**ARTICLE VIII**  
**Conduct of Business**

**Section 1: Order of Business:**

The general order of business at a regular meeting of the Board and, so far as applicable at all other meetings, shall be as follows:

1. Call to order;
2. Approval of minutes;
3. Public Comment on non-agenda items and Announcements;
4. Financial Report;
5. Items Involving Guests and Action Items;
6. Old Business;
7. New Business;
8. Staff Reports;
9. Communications;
10. Adjournment/Next meeting date announced.

**Section 2: Off-Site Meeting Participation:**

Board members may participate in meetings from an off-site location via appropriate live electronic communication methods. Those members who participate from an off-site location have all voting rights as members who are present at the meeting.

**Section 3: Parliamentary Authority:**

Standard and customary parliamentary procedure shall govern in all parliamentary matters, except as expressly stated herein and unless the context hereof requires otherwise.

**ARTICLE IX**  
**Communications**

**Section 1: Personal Communications of Members:**

Any individual member shall not sign written communications to others using the Board name, unless approved by the Board.

**Section 2: Informal Communications:**

It is understood that informal discussions between individual members of the Board and members of the community on various issues will occur from time to time. It is the expectation that Board members will report the content of discussions that deal with specific projects being considered by the Board to the rest of the Board members at the next regularly scheduled meeting in order to assure that the views expressed are known to the entire Board.

**ARTICLE X**  
**Legal Assistance**

The County Attorney's Office may be available to provide legal assistance to the Board, upon request by

Parks and Trails Staff, subject to availability of legal staff resources and priority of various projects.

**ARTICLE XI**

**Amendments**

By-law amendments may be introduced by any member of the Board at a regular or special meeting called for that purpose. All amendments proposed must be in writing before they are adopted. Adoption of or changes in by-laws are subject to the approval of the Commission.

**ARTICLE XII**

**County Policies**

Committee Members agree to comply with Missoula County policies and procedures, including fiscal and personnel policies.

**ARTICLE XIII**

**Severability**

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

Executed this 7<sup>th</sup> day of May, 2019.

Martha Yates  
Martha Yates  
President, Missoula County Parks & Trails Advisory Board

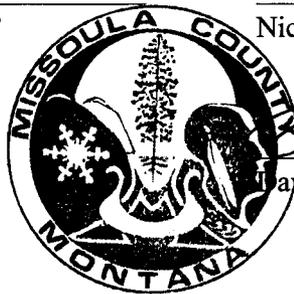
Authorized by the Board of County Commissioners on the 7<sup>th</sup> day of May, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MISSOULA COUNTY

[Signature]  
County Clerk and Recorder

[Signature]  
Nicole Rowley, Chair



[Signature]  
Dave Strohmaier, Commissioner

APPROVED AS TO FORM:

[Signature]  
County Attorney, Deputy

[Signature]  
Josh Slotnick, Commissioner