



**Missoula**  
C O U N T Y

# COMMUNITY COUNCIL HANDBOOK

## APPENDICES

2025

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## **APPENDIX A**

### **COMMUNITY COUNCILS, HISTORY OF FORMATION, BOUNDARY**

## **APPENDIX A: COMMUNITY COUNCILS, HISTORY OF FORMATION, BOUNDARY MAP**

There are seven community councils in Missoula County: Bonner-Milltown, Clinton, East Missoula, Lolo, Seeley Lake, Swan Valley and West Valley (Frenchtown). The boundaries of the geographic areas and neighborhoods served by Community Councils are defined as Council Areas or Council Boundaries and typically follow existing school district boundaries.

### **I. Current Community Councils**

- a. Bonner-Milltown Community Council.** The Bonner-Milltown Community Council is comprised of five (5) members and one (1) alternate member who are registered voters within the boundaries of School District 14.
- b. Clinton Community Council.** The Clinton Community Council is comprised of five (5) members who are registered voters within the boundaries of the Clinton School District 32.
- c. East Missoula Community Council.** The East Missoula Community Council is comprised of five (5) members and one (1) alternate member who are registered voters within the boundaries of the East Missoula Sewer/Water District.
- d. Lolo Community Council.** The Lolo Community Council is comprised of up to seven (7) members and one (1) alternate member who are registered voters within the boundaries of Lolo and Woodman School Districts 7 and 18.
- e. Seeley Lake Community Council.** The Seeley Lake Community Council is comprised of up to seven (7) members who are registered voters within the boundaries of the Seeley Lake School District 34.
- f. Swan Valley Community Council.** The Swan Valley Community Council is comprised of five (5) members who are registered voters within the boundaries of the Swan Valley School District 33.
- g. West Valley Community Council.** The West Valley Community Council is comprised of five (5) members who are registered voters within the Frenchtown School District 40.

### **II. History of the Formation of Community Councils**

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). A proposal for formation of the Evaro-Finley-O'Keefe Community Council was approved by voters in 2009 and the council was dissolved in June 2024. A proposal for formation of the Clinton Community Council was approved by voters in 2023.

Shown below in Table 1 below, is a summary of the date of formation of each Community Council.

**Table 1. Community Council Creation in Missoula County**

<b>No.</b>	<b>Community Council</b>	<b>Boundary</b>	<b>Date of Formation (Date of Community Vote)</b>
<b>1</b>	Seeley Lake	Seeley Lake School District 34	June 25, 1987. Established by Commissioner resolution per citizen petition
<b>2</b>	Lolo	Lolo & Woodman School Districts 7 & 18	April 5, 1994
<b>3</b>	Bonner-Milltown	Bonner School District 14	May 2, 2006
<b>4</b>	East Missoula	East Missoula Sewer District	Nov. 7, 2006
<b>5</b>	Swan Valley	Swan Valley School District 33	Nov. 7, 2006
<b>6</b>	West Valley	West Valley Community *Updated 2024	Nov. 4, 2008
	Evaro-Finley-O'Keefe	Evaro 1 and Evaro 2 Voter precincts 34,35,36,37 and 38	Nov. 2009-2019 <b>*Dissolved June 2024</b>
<b>7</b>	Clinton	Clinton School District 32	May 2, 2023

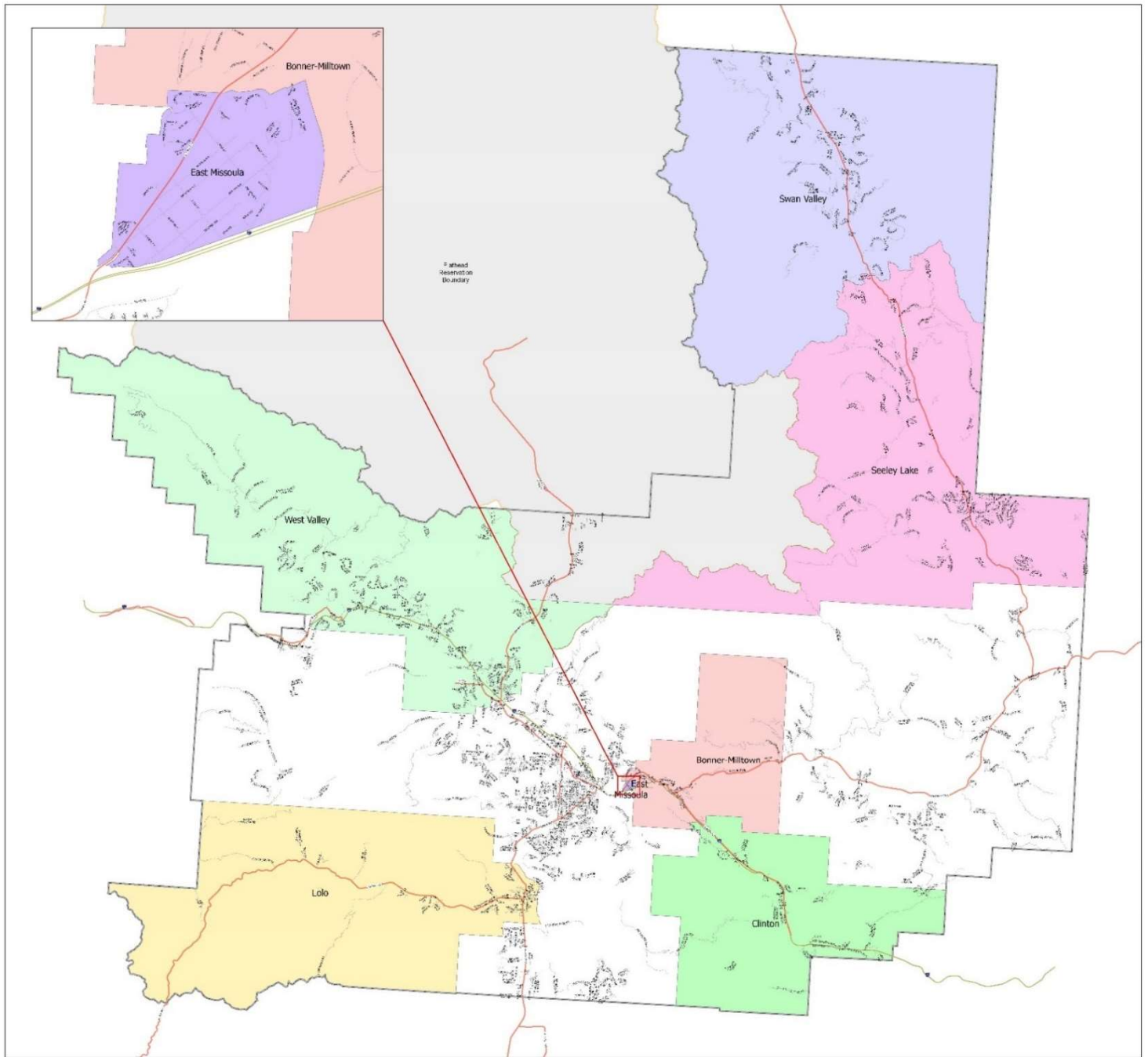
### **III. Community Council Boundaries**

As mentioned above, the Council Areas or Council Boundaries are typically established and based upon existing school district boundaries or political boundaries. The goal is for the Community Council's boundary to reflect an area of the County where citizens feel their issues and interests are similar and/or intertwined.

Council Boundaries can only be modified by resolution of the County Commissioners. In their sole and absolute discretion, County Commissioners may modify the boundaries of a Community Council. To initiate a revision to the Council Boundaries, a Community Council is required to submit a written request to the County Commissioners describing the reason for the boundary modification. Similar to forming a new Community Council, modifying the boundaries of a Council Area requires public notice, public hearing and approval from the County Commissioners.

In general, modifying boundaries requires clear reasoning, public support, cooperation between affected parties, public meetings, and approval from the County Commissioners.

#### IV. Boundary Map



This map was created by the Missoula County Planning Department. It is not a legal document. For more information, please contact the Missoula County Planning Department at (406) 328-1234.



### MISSOULA COUNTY COMMUNITY COUNCIL BOUNDARIES



## **APPENDIX B**

### **EXAMPLES OF COMMUNITY COUNCIL ENGAGEMENT ACTIVITIES AND OUTREACH CONSIDERATIONS**

## **APPENDIX B: EXAMPLES OF COMMUNITY COUNCIL ENGAGEMENT ACTIVITIES AND OUTREACH CONSIDERATIONS**

This Appendix B provides a few examples of the activities in which Community Councils may provide input and recommendation to the County Commissioners.

- Proposed actions being taken by state, federal and tribal agencies such as timber sales, land swaps and acquisitions, traffic studies, subdivision reviews, new parks, parks improvements, air quality standards and weed control. In this case, any recommendations made by the Community Council must be directed to the County Commissioners.
- Trail building projects within Missoula County, matching grants programs for local agencies, conservation resource assessment, streamside protection project and land use plans.
- Public safety measures associated with projects implemented by the Montana Department of Transportation, Missoula County Sheriff's Office and Missoula County Public Works such as road improvements, speed zones, and signage.
- Air and water quality issues, solid waste hazards, community fire protection and crime.

Community Councils can facilitate community engagement in their respective Council Areas through a variety of means. It is important to ensure that all citizens are provided with the ability to be heard and participate in the decision-making process of each Community Council. Key strategies and considerations for communicating with citizens in your Council Area may include in-person interactions, digital engagement, targeted outreach efforts and accessible information sharing. Below are a few examples of the types of ways Community Councils can encourage participation from local citizens.

- Newsletters, flyers or posters informing citizens of the proposed projects and the potential impacts on the Council Area.
- Question and answer forums or open houses with local representatives associated with proposed projects.
- Conducting surveys.
- Utilizing social media platforms for outreach and publishing materials on the Community Council website.
- Neighborhood walks and regular meetings.

It is important to continually monitor and evaluate the effectiveness of a Community Council's outreach methods. All forms of communication, including that on social media platforms, are required to be easily accessible and compliant with the Missoula County Accessibility Policy for Persons with Disabilities and the Americans with Disabilities Act. See Appendix M for information associated with these policies.



## **APPENDIX C**

### **COMMUNITY COUNCIL FORMATION PROCESS**

## **APPENDIX C: COMMUNITY COUNCIL FORMATION PROCESS**

Montana Code Annotated (MCA) Sections 7-3-111 and 7-3-417 authorize local governments, following adoption by voters, to establish community councils for purposes of advising governing authorities. Below is a detailed summary of the steps required to form a Community Council.

### **I. Meeting with Missoula County Lands and Communities Office**

Missoula County Lands and Communities Office (LAC or LAC Office) guides citizens through the process of establishing a Community Council. Residents interested in establishing a Community Council are required to first schedule a meeting with the LAC Office. The LAC Office provides residents with information about potential timelines for placing the issue of forming a Community Council on the ballot, identifying additional contacts in their neighborhood, determining the issues to be address by the Community Council and discussing the Council Area or Council Boundary.

### **II. Information Sharing**

Once residents have met with the LAC Office and have decided to move forward, the residents interested in forming a Community Council should inform their community about Community Councils. This may include providing information about the benefits a Community Council can provide, the experiences of other Community Councils and the types of projects this group could be involved in. Residents interested in forming a Community Council can distribute written materials, hold town halls, community forums and meetings with existing citizen groups to gauge the level of interest by residents in the proposed Council Area.

### **III. Petition County Commissioners**

If sufficient interest is shown, residents must petition the County Commissioners with a substantial number of signatures to place the Community Council issue on the ballot for vote. The petition must contain the following information:

- Name of proposed Community Council
- Proposed Council Area or Council Boundary typically associated with a school district
- Names, physical address and signatures of residents in support of a ballot measure
- A sample petition containing the required language is shown on the following page.

Once signatures are collected and the petition is complete, the petition must be submitted to the LAC for distribution to the County Commissioners. Upon receipt, the LAC Office provides the original and one copy of the petition to the Missoula County Clerk and Recorder's Office (Clerk and Recorder). The Clerk and Recorder certifies the original petition and retains this for its records. The Clerk and Recorder is responsible for transmitting the certified copy to the County Commissioners for review.

## ***Petition for Proposed Community Council***

***"We the undersigned, registered voters of "School District #\_\_\_\_" of Missoula County, do hereby petition the Missoula Board of County Commissioners to place on the next scheduled ballot the question of whether a Community Council should be established in School District #\_\_\_\_\_".***

[illegible]

#### **IV. Community Public Meeting**

Following receipt of the petition, the LAC Office host a community public meeting for purposes of answering questions, taking comment on the need for a Community Council, the proposed boundaries and the process for initial Council Member appointment. This community public meeting provides the County Commissioners community feedback to make the final determination as whether there is enough interest to place the Community Council issue on the ballot and to set a public hearing.

#### **V. County Commissioners Public Hearings**

Following the community public meeting, if the County Commissioners determine there is sufficient interest and level of support by the residents and that the boundaries selected appropriately represent the proposed Council Area, the County Commissioners are required to holds two formal public hearings at which the County Commissioners vote, by resolution, on the issue.

##### ***a. First Hearing: Resolution of Intent***

The first public hearing is held to determine if there are area residents who would be willing to serve as Council Members. Before putting the question to voters on the ballot, the County Commissioners, by resolution of intent, request that they receive at least eight (8) letters of intent from area residents who are willing to not only to serve as an initial appointed Council Member, but who are also willing to file for election as a Council Member candidate during the next election cycle should the ballot vote approve the creation of the Community Council. The LAC Office assists with the drafting of the resolution of intent to include information such as the date the petition was received, date of special district election and date letters of intent are due.

##### ***b. Second Hearing: Ballot Resolution***

If the County Commissioners receive at least eight (8) letters of intent by a determined date established at by the Resolution of Intent, they hold a second public hearing for purposes of voting, by resolution to add the question of forming a Community Council on the ballot of the electors in the proposed Council Area at the next special district election. The vote of the County Commissioners, by resolution, to place the Community Council issue on the ballot must be passed by the County Commissioners at least **85 days prior to the election**. The LAC Office assists with the drafting of the resolution to be presented to the County Commissioners for this purpose. The language on this resolution determines how the question will appear on the ballot and includes a statement of purpose for the Community Council, the number of Council Members to be elected and whether the County Commissioners will appoint the first interim members by Implication of Vote. See the template for a Ballot Resolution to Establish a Community Council in this Appendix C below.

## **VI. Notices**

The LAC Office works with the residents to schedule the public hearings with the County Commissioners. The County Commissioners will post a Notice of the hearings on the Missoula County website. MCA 13-1-108 entitled "Notice of political Subdivision Elections" states "an election administrator conducting a political subdivision election shall give notice of the election at least three times no earlier than 40 days and no later than 10 days before the election. The notice must be published in a newspaper of general circulation in the jurisdiction where the election will be held or by broadcasting the notice on radio or television as provided in 2-3-105 through 2-3-107...." This notice is requirement is fulfilled by the Missoula County Elections Office (Elections Office).

## **VII. Ballot Vote**

A Community Council is created upon a majority vote, of valid votes, in favor of the Community Council's formation.

## **VIII. Initial Council Members**

As mentioned in the Council Handbook and Article 5 of the Bylaws, the initial Council Members are appointed by the Board of County Commissioners unless the community requests to wait until the next special district election to choose initial Council Members. Appointment decisions are based on written applications, interviews and community member input.

All future Council Members are chosen by election in the special district election. As established by the County Commissioners, the initial Council Members of a newly formed Community Council serve one (1), two (2) and three (3) year staggered terms, where a term runs from June 1 through May 31. Thereafter, the term of office for a Council Member is three (3) years. Council Members must be residents of the Council Area or the Council Boundary.

(This space intentionally left blank.)

[Ballot Resolution Template]

RESOLUTION 20\_\_ - \_\_\_\_

**CALLING AN ELECTION ON THE QUESTION OF ESTABLISHING A  
COMMUNITY COUNCIL FOR (boundary description)  
OF MISSOULA COUNTY**

**WHEREAS**, the Board of County Commissioners has been requested by the residents of the (geographic description) area to place the question of establishing a Community Council for their area on the ballot; and,

**WHEREAS**, the Board of County Commissioners received a petition on (date) signed by residents of this area to request consideration of the creation of a Community Council for this area; and,

**WHEREAS**, the County held an informational meeting on (date) at the (location) about the potential to place creation of a Community Council for this area on the ballot. (describe publicity efforts by citizens and public notice) and was attended by (#) individuals; and,

**WHEREAS**, the Board of County Commissioners held a public hearing on (date) at the (location) to consider placing creation of a Community Council for this area on the ballot for an upcoming election; and,

**WHEREAS**, it appears that the Election on (date) would be a convenient time for the presentation to the voters in (boundary description);

**NOW, THEREFORE, BE IT RESOLVED** that for the (date) Election, the electors in (boundary description) shall be given the opportunity to vote on the question of whether or not a Community Council should be established to advise the County Commissioners on area issues.

**BE IT FURTHER RESOLVED** that the ballot shall be in substantially the following form:

STATEMENT OF PURPOSE

The (name) Community Council shall strive to promote the interests and concerns of its citizens in Missoula County, Montana. In order to accomplish this goal, the (name) Community Council shall act as a liaison between the Missoula County Commissioners and the citizens that reside in the area (geographic description), to provide all types of information deemed useful, beneficial and helpful to the Missoula County Commissioners in making decisions which affect that community; to inform the citizens of the area of issues being considered by the Missoula County Commissioners which may have an impact on them; to provide leadership and support to the community's efforts to ensure orderly growth and development in the area; and to serve as a channel of communications with local, county, state and federal government officials and agencies regarding matters of

concern to area citizens. The Council is advisory only and has no tax or other governmental powers.

☐ FOR establishing a Community Council for (boundary description).

☐ AGAINST establishing a Community Council for (boundary description).

If a Community Council is established in the (date) election, the initial Council of five / seven members will be appointed by the Board of County Commissioners, with the members chosen by election thereafter / chosen by a vote of citizens in the Council area at an upcoming election.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_**

ATTEST:

\_\_\_\_\_  
Clerk & Recorder/Treasurer, Clerk and Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS  
MISSOULA COUNTY:

\_\_\_\_\_  
Commission, Chair

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

**APPENDIX D**

**BYLAWS OF COMMUNITY COUNCILS**



## APPENDIX D: BYLAWS OF COMMUNITY COUNCILS (2023 Template Edition)

### BYLAWS OF THE \_\_\_\_\_ COMMUNITY COUNCIL

#### Article 1

##### Authorization

- I. In accordance with MCA 7-3-111 and 7-3-417(2), the Missoula Board of County Commissioners created the \_\_\_\_\_ Community Council.

#### Article 2

##### Statement of Purpose

- I. The \_\_\_\_\_ Community Council shall strive to promote the interests and welfare of its citizens in Missoula County, Montana. In order to accomplish this goal, the Community Council shall act as a liaison between the Missoula Board of County Commissioners and the citizens of (description of Council boundary) as described in Exhibit "A," attached; to provide useful and beneficial information which will aid the commissioners in making decisions regarding the \_\_\_\_\_ community; to inform citizens of the \_\_\_\_\_ community of issues and problems before the commissioners, which may affect them; to provide leadership and support to the community's efforts to secure orderly growth and development in the \_\_\_\_\_ community; and to serve as a channel of communication with local, state and federal government officials and agencies regarding matters of concern to the citizens of the community.

#### Article 3

##### Definitions

- I. "Council" shall mean the \_\_\_\_\_ Community Council.
- II. "Commissioners" shall mean the Board of County Commissioners, Missoula County, Montana.
- III. "The \_\_\_\_\_ community" shall mean the geographic area represented by the Community Council. This area shall be the same as (description of Council boundary), as described in Exhibit "A", attached.
- IV. "MCA" shall refer to the Montana Code Annotated as amended.

#### Article 4

##### Duties and Responsibilities

- I. The \_\_\_\_\_ Community Council shall have the duty and responsibility to:
  - a. Serve as a purely advisory panel with no power to levy taxes or impose its will upon the citizens of the \_\_\_\_\_ community.
  - b. Promote the purposes described in Article 2, by facilitating communication with and among the various boards that govern the \_\_\_\_\_ community

- infrastructure, namely: \_\_\_\_\_ School District, \_\_\_\_\_ Rural Fire District, and any other government entity within the boundaries of the \_\_\_\_\_ community.
- c. Communicate regularly with the citizens of the \_\_\_\_\_ community through printed and/or social media, town meetings (see Article 7, Section III), and any other means deemed necessary as approved by the council or desirable to obtain the opinions, comments and suggestions regarding issues which are of concern to the \_\_\_\_\_ community.
  - d. Attend meetings of the Missoula Board of County Commissioners and other county boards and commissions and any other meetings where issues of importance to the \_\_\_\_\_ community will be discussed. Attendance may be by the entire council (with public notice) or a designated representative.
  - e. Consult with county planning staff regarding potential development or update of an area plan, including the adoption process and plan implementation.
  - f. Keep a record of all acts, meetings and monies received and disbursed by the Council.
  - g. Meeting agendas must be submitted to County staff at least one week (seven days) before meeting.
  - h. Meeting minutes must be submitted to County staff to be recorded with the Clerk and Recorder's Office within 30 days after the minutes have been approved by the board.
  - i. Provide an annual summary concerning the activities and expenditures of the council during the previous year.
  - j. All members are required to complete the online board training at the beginning (first 30 days) of each new term.
  - k. All members are required to take an oath of office at the beginning of each new term. Oaths must be notarized and recorded at the Clerk and Recorder's office. Councils and council members may refer to the Missoula County Community Council Handbook for additional information on County policies, expected duties and responsibilities, and council operations.

## **Article 5**

### Election and Appointment

- I. Number and Composition:
  - a. The total number of council members shall be five (5) or seven (7). Council members shall be residents of (Community Council boundary) as defined herein.
  - b. Up to two alternates may be elected during the regularly scheduled special district election.
- II. Selection and Term:
  - a. Five (5) or seven (7) council members shall be elected following the procedures set forth in MCA 13-1-104(3) and 13-1-305.
    - i. To be considered for election for a new three-year term to a community council, interested applicants must submit an Oath of Candidacy to file in the special district election with the Elections Office.
  - b. The terms of the council members shall be staggered so that approximately one-third of membership is up for election at one time.

- c. The initial terms for members shall be determined by the commissioners so that:
      - i. A five (5) member council will have: two (2) members with one-year terms, two (2) members with two-year terms, and one (1) member with a three-year term;
      - ii. Or a seven (7) member council will have: two (2) members with one-year terms, two (2) members with two-year terms, and three (3) members with a three-year term.
    - d. Thereafter, the term of office shall be three (3) years. Community council member terms run from June 1 through May 31. A member's term begins upon their completion of the oath of office administered by an elected official or an already sworn council member with a notary that witnesses the swearing in and concludes at the end of the designated term.
- III. Alternates:
  - a. Alternates are non-voting members of community councils. In the absence of one or more voting members of the community council meeting, the necessary number of alternates will serve as substitute voting members for that meeting.
  - b. Alternates are elected positions and shall be elected following the procedures set forth in MCA 13-1-104(3) and 13-1-305.
  - c. Terms for alternates should be staggered at creation so that no more than three members are up for election at any time.
  - d. If a council wants more than one alternate, one alternate should be designated first alternate and the other as second alternate and elected as such. The second alternate may serve as a voting member only if two or more regular council members are absent.
- IV. Resignations, Terminations and Vacancies:
  - a. Resignations from the council shall be in written form (either in letter or email) submitted to the council chair and commission. The effective date of resignation must be stated.
  - b. Membership may be terminated by a member's resignation, by a member ceasing to reside within council boundaries, or by failing to meet the obligations of their office.
  - c. Vacancies shall be filled by appointments by a qualified elector who has completed an application expressing their qualifications and interests in filling the vacancy and submitted it to the Missoula Board of County Commissioners. After the applications have been validated, the qualified elector(s) shall be appointed by the commissioners to fill the vacancy(ies). Thereafter, members must file as a candidate in the May Special District Election.
- V. Dissolution of Councils:
  - a. Pursuant to its lawful discretion, the Commissioners may resolve to dissolve the council under such circumstances as the Board deems appropriate and in the best interests of the residents of the council. Notwithstanding, if a quorum of the members of the council fail to hold a meeting for six (6) months, the Board will consider a resolution dissolving the council at a duly noticed public meeting. Members of the council shall be given prior notice of all such meetings and an opportunity to be heard.

## **Article 6**

### Officers and Duties

- I. 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.
- II. The chair shall preside over all meetings and shall perform all other duties as may be prescribed in these bylaws or by council action.
- III. The vice chair shall have the authority to act as chair in the chair's absence or disability.
- IV. The secretary shall be responsible for keeping the minutes of each meeting and shall act as a chair in the absence of both the chair and the vice chair.
- V. 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 open to the public for their inspection at all reasonable times.
- VI. Council members may be elected for up to two offices.
- VII. The terms of officers shall be for a period of one (1) year, commencing at the first regular council meeting following their election.

## **Article 7**

### Meetings

- I. Regular meetings: The council shall fix the time and place for holding regular meetings and they shall be published according to legal requirements for such meetings. Notice of regular meetings shall have at least seven (7) days advance notice.
- II. Special Meetings: Special meetings of the council may be called by the chair or by a quorum. The chair shall give at least two (2) days advance notice to all members of any special meeting.
- III. Remote/Virtual meetings: Meetings may be held remotely on virtual platforms. All legal requirements regarding the public's right to participate and right to know apply to electronic meetings.
- IV. Quorum: A quorum shall consist of a majority of standing board members. No action of the council may be taken unless authorized by a quorum present at a regular or special meeting.
- V. Rule of Order: Roberts Rules of Order shall apply in all meetings of the council, except as expressly stated herein or unless the context requires otherwise.
- VI. Open Meetings: The council shall agree to comply with the Montana Open Meeting Law (M.C.A. 2-3-201 et seq.).

## **Article 8**

### Code of Ethics

- I. 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 their duties for the people of the community.
- II. Any person whose conduct departs from their duty shall be liable to the people of the community.

- III. No council member or employee shall:
  - a. Disclose or use confidential information acquired in the course of their duties to substantially further their personal economic interest;
  - b. Compensation for Services: Council members agree to serve without compensation.
  - c. Accept a gift of substantial value or a substantial economic benefit tantamount to a gift. Gifts to members will not exceed a value of \$100 in any fiscal year. Pursuant to M.C.A. 2-2-104(1)(b) and M.C.A. 2-2-102 (3) (a)
  - d. Acquire an interest in any business or undertaking which they have reason to believe may be directly and substantially affected to its economic benefit by official action taken by the council; and
  - e. Within six (6) months following the voluntary termination of their office or employment, obtain employment in which they will take direct advantage, unavailable to others, of a matter or matters directly involved during their term of office or employment.
- IV. 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 they may have a conflict of interest. The council shall then decide whether such a 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, they will 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 9**

### Order of Business

- I. Unless otherwise determined by the chair, the order of business at regular meetings shall be:
  - A. Call to Order
  - B. Roll Call
  - C. Approval of Agenda
  - D. Approval of Minutes
  - E. Public Comments on Items NOT on the agenda
  - F. Treasurer's Report
  - G. Communications
  - H. Reports from Council Members
  - I. Old Business
  - J. New Business
  - K. Public Comment
  - L. Adjournment

## **Article 10**

### Communications

- I. Personal Communications of Members: Any individual member shall not sign written communications to others using the council name, unless approved by the council.
- II. 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 to assure that the views expressed are known to the entire council.
- III. Email Communications: Council members are encouraged to create a personal email for council use only. Council discussion and decision making is prohibited via email communication. All email communication is public record and needs to be retained as such.
- IV. Outside Agencies Communications: 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 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. Councils should not directly comment to other agencies but should provide recommended comments to the county commissioners.

## **Article 11**

### Financial Management

- I. Funding: Community councils may receive operating funds from the county on an annual basis. County granted operational funds are intended for administrative expenditures only. Councils with less than \$1,000 in their accounts will be funded by Missoula County enough to bring them up to a \$1,000 balance for the beginning of each fiscal year. Any proposed special projects and donations outside of this purpose shall be brought before the commission for consideration and approval.
  - a. Additional funds may be available for council projects or initiatives and can be applied for on an as-needed basis.
  - b. Community councils cannot receive grant funds except when a county department administers them on a council's behalf or another community entity does so.
- II. 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.
- III. Maintenance and Access to Records: The council shall maintain reasonable records of its proceedings and shall allow access to those records by the public, County, County Auditor and any independent auditor employed by the County and to any duly-appointed representatives of the state or federal governments.

**Article 12**  
Committees

- I. Standing Committees: Standing committees of the council members may be created for purposes and terms which the council approves. Members will be volunteers with the chair being appointed by the council. Standing committees are required to follow all the same open meeting requirements as the full committee.
- II. 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 community. At least one member of any special or ad hoc committee must be a council member. The council member shall have the responsibility to be the contact person for county offices and to report back to the full council. The chair will be appointed by the council.

**Article 13**  
Legal Assistance

- I. Legal assistance may be provided to the council by the Missoula County Attorney's Office, if they have the resources to provide such assistance.

**Article 14**  
Amendments

- I. Amendments to the bylaws may be introduced by any member of the council at regular or special meetings called for that purpose. All amendments proposed must remain consistent with the bylaw template and amended resolution 2021-063 be in writing and approved by the Missoula Board of County Commissioners before they are adopted.

**Article 15**  
Severability

- I. If any of these bylaws 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 bylaws and of the application of any such provision, sentence, clause, phrase or word in any other circumstance shall not be affected thereby.

**Article 16**  
Adoption

The following bylaws were approved by the \_\_\_\_\_ Council; Missoula County staff, and the Missoula Board of County Commissioners on the \_\_day of \_\_\_\_\_, 20\_\_.

<b>Community Council:</b>	<b>Board of County Commissioners:</b>	<b>Approved As To Form:</b>
_____ Chair	_____ Chair	_____ Deputy County Attorney
_____ Vice Chair	_____ Commissioner	<b>Attest:</b> _____
_____ Treasurer	_____ Commissioner	_____ Clerk and Recorder
_____ Council Member		
_____ Council Member		



## **APPENDIX E**

### **COUNCIL VACANCY MEMORANDUM DATED DECEMBER 10, 2024**

**Missoula County Commissioners**

Mailing Address: 200 West Broadway  
Physical Address: 199 West Pine  
Missoula, MT 59802-4292

P: 406.258.4877 | F: 406.258.3943  
E: [bcc@missoulacounty.us](mailto:bcc@missoulacounty.us)



BCC 2024-199

**MEMORANDUM**

Date: December 10, 2024

To: Community Council Members

From: Missoula Board of County Commissioners

CC: Lands and Communities

RE: Council Vacancies

This memorandum is intended to clarify and explain the process to fill community council vacancies.

Council positions are elected to advance and promote the interests and welfare of the residents of a community by providing useful, beneficial and helpful information to the Missoula County commissioners that can inform their decision-making process.

It is important to note councils are advisory to the county commissioners. Community councils may provide letters, comments, emails and other correspondence to the commissioners to help the commissioners make decisions on various projects and keep them informed about important issues facing rural communities.

Council members are elected to their seats by filing as a candidate in the special district election. Candidate filing takes place each year from December through February with the Elections Office. All member terms are three years. Elected community council member terms begin on June 1 and expire on May 31 of a given calendar year.

The Elections Office is responsible for all full-term, three-year [candidate filing](#). The Elections Office will notify candidates by letter of their seat status. An election must be held if there are more candidates than there are positions open. For example, if two positions are open and three candidates file, then there must be an election. If two positions are open and two candidates file, the election will be canceled, the candidates will be elected by acclamation, and the candidates will receive notice of this acclamation election by letter. If there are not enough candidates to fill the open positions, the commissioners will also cancel the election and elect council candidates who have filed as members by acclamation. Commissioners will appoint members only in the event there are remaining vacancies not filled by a candidate filing for a seat.

**Missoula County Commissioners**

Mailing Address: 200 West Broadway  
Physical Address: 199 West Pine  
Missoula, MT 59802-4292

P: 406.258.4877 | F: 406.258.3943  
E: [bcc@missoulacounty.us](mailto:bcc@missoulacounty.us)



The commission strongly encourages council members to serve their entire three-year term. In the rare instances when a council member is not able to be elected according to the schedule above, partial term vacancies must be filled by commissioner appointment according to the following process:

Council chair will notify the Missoula Board of County Commissioners' Office of vacancy as soon as possible.

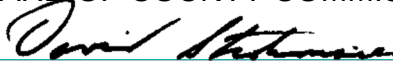
The Commissioners' Office will post notice of vacancy for at least 30 days and notify all council members. This will allow for new applicants to [apply](#) for the partial-term vacancy. The Commissioners' Office will provide a timeline for the appointment process to all council members, including notice of all applicant names and date of the administrative public meeting when members will be appointed. Council members are encouraged to share this information with community and council members at an upcoming council meeting.


Once applications are received, the Lands and Communities office will send a survey to all current council members for each new applicant. After the application period has closed and all interviews are complete, the commissioners will make a decision on a vacancy appointment. This will be an item presented at an [administrative public meeting](#). Appointment decisions are based on written applications, interviews, public input and on the commission's desire to seat the council with individuals who will be collaborative in providing input to the commission and working with the council and the community.

Please contact our office if you have any questions or if we can be of assistance to you. Thank you for your service to Missoula County.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

  
APACH084F2505A3A08967F7EBB26C312 readySign  
David Strömmeier, Chair

  
134051ED69FA2244FA406545EBDD56F readySign  
Josh Slotnick, Commissioner

  
6F45D36DCC31E9C2B2D512DC93A576B2 readySign  
Juanita Vero, Commissioner

## **APPENDIX F**

### **SAMPLE MEETING AGENDA**

## APPENDIX F: SAMPLE MEETING AGENDA

### COMMUNITY COUNCIL MEETING

DATE: \_\_\_\_\_

6:00 PM	Call to Order <ul style="list-style-type: none"><li>• Pledge of Allegiance - Chair/Facilitator</li><li>• Roll Call and Introductions</li><li>• Approval of the Agenda</li><li>• Approval of Minutes - Secretary</li><li>• Public Comments on items not on the agenda (no discussion by Council Members on these items)</li></ul>
6:15 PM	Officer/Committee Reports <ul style="list-style-type: none"><li>• Treasurer</li><li>• Standing Committees</li><li>• Temporary Committees</li><li>• Communications/Announcements</li><li>• Bouquet Moment - take a moment to recognize the community or community member</li></ul>
6:25 PM	Old Business <ul style="list-style-type: none"><li>• Topic A<ul style="list-style-type: none"><li>○ Presentation of issue or topic</li><li>○ Public comment (set a time limit for speakers - 3 minutes is standard)</li><li>○ Community council action or decision</li></ul></li><li>• Topic B<ul style="list-style-type: none"><li>○ Presentation of issue or topic</li><li>○ Public comment (set a time limit for speakers - 3 minutes is standard)</li><li>○ Community council action or decision</li></ul></li></ul>
6:30 PM	New Business
7:30 PM	Public Comment (no discussion by Council Members on these items)
7:45 PM	Next Steps <ul style="list-style-type: none"><li>• Next Meeting Date</li><li>• Agenda-Topics</li></ul>
8:00 PM	Adjournment - Chair/Facilitator

\*Anyone who requires an auxiliary aid or service for effective communication 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.

\* Turn off cell phones and any other distracting electronic devices.

## **APPENDIX G**

### **INVITATION TO “MEET THE CANDIDATE FORUM”**

## **APPENDIX G: INVITATION TO “MEET THE CANDIDATE FORUM”**

The\_\_\_\_\_ Community Council is inviting you to participate in a “Meet the Candidate Forum.”

The Meet the Candidate Forum is scheduled for **(Date, Location, Place)**. The purpose of this Forum is to inform the residents of the \_\_\_\_\_ Community Council Area about \_\_\_\_\_.

From **(\_\_:00 pm to \_\_:00 pm)**, there will be a meet and greet held at **(Location, Address)**. Candidates are encouraged to have their collateral material available and will be able to visit with constituents.

### **Agenda and Specifics**

- At **(Time)**, the Forum will begin.
- Introduce the moderator. Moderator: Ground rules and order of business. Reminder, each candidate is given 2 minutes for introductions, and 1 minute and 30 seconds for each question. There will likely be no more than two questions asked due to time restraints.
- Candidate Introductions: Each candidate will have \_\_\_\_\_ (\_\_) minutes to introduce themselves and present their perspective on \_\_\_\_\_. Candidates will begin in the following order:
  - a. Missoula County Justice of Peace
    - Candidate Name A
    - Candidate Name B
    - Candidate Name C
  - b. Senate District #
    - Candidate Name A
    - Candidate Name B

After the introductions, members of the audience may ask questions of the candidates in the same order as above. Questions administered by the moderator will be given 1 minute and 30 seconds to be answered.

After the forum, candidates can stay to answer additional questions.

If you are not able to attend, you may send a representative to read a statement on your behalf. The representative will not be able to answer audience questions on your behalf.

**Please RSVP by email to: (e-mail) by (Date) so we can make venue arrangements based on candidates responses.**

## APPENDIX H

### FORM OATH OF OFFICE



APPENDIX H: FORM OATH OF OFFICE

# OATH OF OFFICE

STATE OF MONTANA } SS  
COUNTY OF MISSOULA

I do solemnly swear 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, COMMUNITY COUNCIL NAME, with fidelity (so help me God).

**MEMBER NAME**

**TERM EXPIRES**

Oath administered by (if not administered by notary):

(insert printed name of administrator of Oath)

State of Montana  
County of Missoula

Signed and sworn to before me this \_\_\_\_\_ day of (month, year), by \_\_\_\_\_  
(insert printed board member name)

(Seal)

Notary Public for the State of Montana

## **APPENDIX I**

### **COMMUNITY COUNCIL FUNDING REQUEST FORM**

## APPENDIX I: COMMUNITY COUNCIL FUNDING REQUEST FORM

Each Community Council is anticipated to have an operational budget of up to \$1,000 per fiscal year. The County Commissioners require each Community Council to submit a Request for Funding to the LAC Office by June 30<sup>th</sup> each year, *even if no additional funding is being requested.*

### **COMMUNITY COUNCIL REQUEST FOR FUNDING**

**\*\*This form must be submitted even if no funding is being requested**

**The deadline to submit information for funding is June 30, 20\_\_.** The funds associate with this Request for Funding shall be applied to **Fiscal Year 20\_\_**, which runs from July 1, 20\_\_, to June 30, 20\_\_.

<b>Community Council:</b>			
<b>Contact Person:</b>			
<b>Contact Information:</b>	Phone:		
	Email:		
<b>Total Amount Requested:</b>			
<b>Current Bank Account Balance:</b>	Date:		
	Amount:		
<b>Anticipated work plan for the fiscal year associated with this request (attach an additional sheet in needed).</b>			
<b>How does the Community Council plan to allocate the requested funds? (please give a dollar estimate for each applicable category):</b>			
Office Supplies:		Printing:	
Postage/Shipping:		PO Box Rental:	
Meeting Supplies:		Advertising:	
Meeting Room Rental:		Administrative Services:	
Professional Services (ex: website design, meeting facilitators/mediators)		Membership Fees (ex: Zoom):	
Banking Fees:		Other:	

**Will the Community Council be saving the funds for a special project? Please provide a summary of the project (attach an additional sheet in needed).**

This funding request for Fiscal Year \_\_\_\_\_ was approved at the \_\_\_\_\_  
Community Council meeting held on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ a.m/p.m.

Community Council Chair or Treasurer:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## APPENDIX J

### ANNUAL EXPENDITURE REPORT FORM

**APPENDIX J: ANNUAL EXPENDITURE REPORT FORM (DUE JUNE 30<sup>TH</sup> EACH YEAR)**

**ANNUAL EXPENDITURE REPORT  
OF \_\_\_\_\_ COMMUNITY COUNCIL**

<b>Community Council:</b>		
<b>Contact Name:</b>		
<b>Contact Information:</b>	Phone:	
	Email:	
<b>Report Date:</b>		Prepared for Fiscal Year:
		Starting July 1, 20__
		Ending June 30, 20__
<b>Prepared By:</b>		
<b>Current Bank Account Balance:</b>	Date:	
	Amount:	
<b>REVENUE CATEGORY</b>	<b>Dollar Amount Received by the Community Council during Fiscal Year ____ as of the Date of this Report</b>	<b>Total Available Funds</b>
Operating Funds	\$	\$
Other	\$	\$
<b>TOTAL</b>	\$	\$
<i><b>*Please note and include any anticipated expenditures for the remainder of the current fiscal year, Fiscal Year 20__.</b></i>		
<b>ANTICIPATED EXPENDITURES OF THE FISCAL YEAR BY CATEGORY</b>	<b>Estimated Dollar Value of Anticipated Expenditures</b>	<b>Total Dollar Value of Expenditures including Anticipated Expenditures</b>
Office Supplies:		
Printing:		
Postage/Shipping:		
PO Box Rental:		
Meeting Supplies:		
Advertising:		
Administrative Services		
Professional Services (ex: website design, meeting facilitators/mediators):		
Membership Fees (ex: Zoom):		
Bank Fees:		
Other:		
<b>TOTAL EXPENSES</b>		

**If you have carry-over funds from the previous fiscal year, please explain where and why you did not end up spending those funds:**

**Please describe how Community Council Funds were used in the past year to achieve your Community Council's work plan and goals, including any events and activities:**

The Annual Expenditure Report was approved at the \_\_\_\_\_ Community Council meeting held on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ a.m/p.m.

Community Council Chair or Treasurer:

Signature: \_\_\_\_\_

Date:\_\_\_\_\_

## **APPENDIX K**

### **PARLIAMENTARY PROCEDURE AND ROBERT'S RULES OF ORDER**



## **APPENDIX K: PARLIAMENTARY PROCEDURE AND ROBERT'S RULES OF ORDER**

Parliamentary procedure and Robert's Rules of Order are methods utilized by boards, councils and committees to maintain order and allow public participation in meetings. This Appendix K, contains information obtained directly and in verbatim, from the Montana Local Government Board Handbook, A Guide to Serving on Boards, Districts, Commissions and Committees 2022 Edition, published by the Montana State University (MSU) Extension Office (Board Handbook).

It is not intended to be exhaustive, but rather an easily accessible resource for Community Councils. Accordingly, the Board Handbook states:

"There are four essential elements to open meeting law:

1. If a quorum, defined as the number members legally required to conduct business, is convened by either physical presence or by means of electronic equipment (2-3-202) and,
2. Members will hear, discuss or act upon issues that it has jurisdiction over, (2-3-202), then,
3. The meeting must be open to the public and the press must be permitted to record the meeting (2-3-211) and,
4. Appropriate minutes of all meetings shall be kept and made available for the public (2-3-212)."

Council Members shall agree upon a prescribed order of business during meetings and shall agree upon a set of behavior expectations. Each Community Council shall adopt coordinated rules to facilitate public participation and the agenda shall be structured to provide dedicated opportunity for public comment. Please keep in mind the following:

- The purpose of a public comment period is to provide members of the community with an opportunity to inform the Community Council about their views on an issue.
- During the public comment period, it is best for Council Members to refrain from speaking or engaging in conversation. At no time during the public comment period may a Council Member make a ruling or decide on an issue.
- Following closure of the public comment period, Council Members may ask additional questions so long as the questions are specific to issues on the agenda and no action or decisions are taken. Any other issues not on the agenda must be tabled.
- After questions from the Council Members are addressed, a motion must be made and seconded *before* Council Members can deliberate and debate an issue. Once deliberation and debate have begun, public comment may not be re-opened.
- The chair or vice chairperson is responsible for setting time limits and maintaining the order of business on the agenda.

To assist Council Members with governing meetings, the MSU Extension Office has published additional quick guides to help Council Members quickly navigate parliamentary procedure and Robert's Rules of Order.

Copies of the Guide to Parliamentary Procedure and Robert's Rules of Order and the Parliamentary Motions Guide are attached in the following pages.

# PARLIAMENTARY PROCEDURE

- All have equal rights, privileges and obligations
- A quorum must be present for group to act
- Robert's Rules is handbook of operation
- Use of Motions (A proposal for assembly to take a stand or take action)

## FIVE TYPES OF MOTIONS

MAIN MOTION	
Introduce subjects for consideration Cannot be made when another motion is before assembly Yield to privileged, subsidiary, incidental motions “I move that we purchase a...”	
SUBSIDIARY MOTION	PRIVILEGED MOTION
Change / affect main motion for consideration Voted on before the main motion “I move to amend the motion by striking out...”	Concern special matters not related to pending business Considered before other motions “Because of the time, I move that we adjourn...”
RENEWAL MOTION	INCIDENTAL MOTION
Allow certain items to be reconsidered Usually brought up when no business is pending “I move to reconsider...”	Questions of procedure Considered before other motions “I move to divide the motion so that the question of purchasing ... can be considered separately.”

# ROBERT'S RULES OF ORDER

Typically, organizations using Robert's Rules follow the prescribed order of business during meetings to provide a framework for conducting orderly meetings.

## TYPICAL ORDER OF BUSINESS

- The Chair calls the meeting to **order**.
- A **roll is called** of all present members.
- The secretary reads the **minutes** of the last meeting.
- Each **officer** gives a **report**.
- Each **committee representative** gives a **report**.
- Special orders (by way of **motions**) are called for and consist of any **important business** that was previously set aside to discuss at the meeting.
- **Unfinished business** from a previous meeting is discussed.
- **New business** can be brought forth at this time.
- **Announcements** are made.
- The meeting is **adjourned**.

## MEETING GROUND RULES

- Meetings will start and end on time
- Every member's opinion is valuable
- Avoid sidebar conversations
- Focus on the meeting
- Decisions will be criteria-based
- Address any concerns

## WHEN DEBATING YOUR MOTIONS

- Listen to the other side
- Focus on issues, not personalities
- Avoid questioning motives
- Be courteous
- Keep cool
- Speak clearly and concisely

Meeting ground rules are an agreed upon list of behavior expectations for members while participating in a meeting. These are a few examples that should be established to ensure a successful meeting.

## VOCABULARY

Robert's Rules of Order and other parliamentary procedures contain specific vocabulary to be used at meetings.

<b>POINT OF PRIVILEGE</b>	This term refers to the right of the person speaking to have the floor and not be interrupted by others.
<b>PARLIAMENTARY INQUIRY</b>	Method to raise a point of order or to ask how to proceed when unsure of the proper motion.
<b>POINT OF INFORMATION</b>	This term refers to the method used to ask the speaker a question.
<b>ORDERS OF THE DAY (AGENDA)</b>	If the meeting is not following the agenda a member may call orders of the day to remind the assembly to adhere to the agenda. If the members would like to deviate from the agenda, "suspending the rules" is necessary.
<b>POINT OF ORDER</b>	Point of order is raised if a rule has been broken or a member is not using the proper meeting protocol to speak. A point of order needs to be raised right after the error occurs.
<b>DIVIDE THE QUESTION</b>	This term is used when a motion is split into two or more new separate motions.
<b>CONSIDER BY PARAGRAPH</b>	When considering adoption of a document, adoption of the full document can be postponed until each and every paragraph has been debated and if necessary amended.
<b>WITHDRAW / MODIFY MOTION</b>	After the question is stated; the person who made the motion may accept an amendment to the motion.
<b>COMMIT / REFER / RECOMMIT TO COMMITTEE</b>	Sometimes a committee is needed to research a motion. In this case, an already established committee is assigned the question or a new committee is appointed. If a new committee is necessary, the chairperson may indicate how many members are needed and how selection of committee members should occur.

<b>EXTEND DEBATE</b>	Calling to extend debate can be used for the question currently under debate and usually has a time limit.
<b>LIMIT DEBATE</b>	This term is used to refer to the time limit placed upon debate and when debate should be considered closed.
<b>POSTPONE</b>	If a motion or agenda item needs to be postponed, it is necessary to determine and state when it will be resumed.
<b>OBJECT TO CONSIDERATION</b>	Objection must be stated before discussion or another motion is stated.
<b>LAY ON THE TABLE</b>	This tool is used after a motion is closed to debate or is pending closure and can temporarily stop further consideration or action on the open motion.
<b>TAKE FROM THE TABLE</b>	If a motion has been previously “laid on the table,” it can be opened and considered again by stating the motion to “take from the table.”
<b>RECONSIDER</b>	If a member on the prevailing side of a debate changes their view, they can state they have reconsidered.
<b>POSTPONE INDEFINITELY</b>	Postponing a motion indefinitely stops the motion from proceeding forward just in that particular session, unless a motion to reconsider is made.
<b>INFORMAL CONSIDERATION</b>	This term refers to changing the debate to an informal format similar to that of a committee. To move to an informal consideration format a member moves that the assembly go into “Committee of the Whole.” Voting is still done formally and is still valid while the meeting is in an informal mode.
<b>APPEAL DECISION OF THE CHAIR</b>	The membership may appeal a decision made by the chair if the appeal does not relate to the violation of order of business or parliamentary rules. Appeals must also take place prior to other unrelated business.
<b>SUSPEND THE RULES</b>	This allows specific, stated rules with the exception of the assembly's constitution to be suspended.

# PARLIAMENTARY MOTIONS GUIDE

Based on Robert’s Rules of Order Newly Revised (11th Edition) and [www.jimslaughter.com](http://www.jimslaughter.com)

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

PRIVILEGED MOTIONS							
YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Adjourn	I move to <b>adjourn</b>	No	Yes	No	No	Majority	Yes
Take a break	I move to <b>recess</b> for	No	Yes	No	Yes	Majority	No
Register complaint	I rise to a <b>question of privilege</b>	Yes	No	No	No	None	No
Orders of the day	I call for the <b>orders of the day</b>	Yes	No	No	No	None	No

SUBSIDIARY MOTIONS							
YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Lay aside temporarily	I move to <b>lay the question on the table</b>	Yes	Yes	No	No	Majority	Negative vote only
Close debate	I move the previous question	No	Yes	No	No	2/3	Yes
Limit / extend debate	I move that <b>debate be limited to...</b>	No	Yes	No	Yes	2/3	Yes
Postpone to a certain time	I move to <b>postpone</b> the motion to...	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee	I move to <b>refer</b> the motion to...	No	Yes	Yes	Yes	Majority	Yes
Amend a motion	I move to <b>amend</b> the motion by...	No	Yes	Yes	Yes	Majority	Yes
Kill main motion	I move that the motion be <b>postponed indefinitely</b>	No	Yes	Yes	No	Majority	Affirmative vote only

## MAIN MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Bring business to motion	I <b>move that (or “to”)</b> ...	No	Yes	Yes	Yes	Majority	Yes

No order of precedence. Arise incidentally and decided immediately.

## INCIDENTAL MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Enforce rules	<b>Point of order</b>	Yes	No	No	No	None	No
Submit matter to assembly	I <b>appeal</b> from the decision of the chair	Yes	Yes	Varies	No	Majority	Yes
Suspend rules	I move to <b>suspend the rules</b> which...	No	Yes	No	No	2/3	No
Avoid main motion altogether	I <b>object to the consideration</b> of the question	Yes	No	No	No	2/3	Negative vote only
Divide motion / question	I move to <b>divide the question</b>	No	Yes	No	Yes	Majority	No
Demand rising vote	I call for a <b>division</b>	Yes	No	No	No	None	No
Paliamentary law question	<b>Parliamentary inquiry</b>	Yes (if urgent)	No	No	No	None	No
Request information	A <b>point of information</b> , please.	Yes (if urgent)	No	No	No	None	No

No order of precedence. Introduce only when nothing else pending.

## RENEWAL MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Take matter from table	I move to <b>take from the table...</b>	No	Yes	No	No	Majority	No
Cancel or change previous action	I move to <b>rescind / amend</b> the motion...	No	Yes	Yes	Yes	2/3 or majority w/notice	Negative vote only
Reconsider motion	I move to <b>reconsider</b> the vote on...	No	Yes	Varies	No	Majority	No

## **APPENDIX L**

### **MONTANA CODE ANNOTATED**



## **APPENDIX L: MONTANA CODE ANNOTATED APPLICABLE TO COMMUNITY COUNCILS**

This Appendix L includes some of pertinent sections of the Montana Code Annotated 2023 which apply to Community Councils as of the date of the Council Handbook. This list is not intended to be inclusive as there are other provisions of Montana Law which may apply to specific situations a Community Council may face. Council Members should address any questions or legal concerns with the LAC Office.

### **General Laws and Definitions**

#### ***Oaths***

**1-6-101. Officers who may administer oaths.** Every court, judge, clerk of any court, justice, notary public, and officer or person authorized to take testimony in any action or proceeding or to decide upon evidence has power to administer oaths or affirmations.

### **Government Structure and Administration**

#### ***Standards of Conduct***

**2-2-101. Statement of purpose.** The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between judges, legislators, judicial officers, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

#### **2-2-102. Definitions.**

.....(3) (a) "Gift of substantial value" means a gift with a value of \$100 or more for an individual.

**2-2-104. Rules of conduct for public officers, legislators, and public employees.** (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that 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

(ii) that 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.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or

(ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

(i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or

(ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices.

**2-2-121. Rules of conduct for public officers and public employees.** (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (6), use public time, facilities, equipment, state letterhead, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) A candidate, as defined in 13-1-101(8)(a), may not use or permit the use of state funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains the candidate's name, picture, or voice except in the case of a state or national emergency and then only if the announcement is reasonably necessary to the candidate's official functions.

(b) A state officer may not use or permit the use of public time, facilities, equipment, state letterhead, supplies, personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a newspaper, on radio, or on television that

contains the state officer's name, picture, or voice except in the case of a state or national emergency if the announcement is reasonably necessary to the state officer's official functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the office or position to which the state officer was elected or appointed.

(4) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

(a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

(5) A public officer or public employee may not engage in any activity, including lobbying, as defined in 5-7-102, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.

(6) A listing by a public officer or a public employee in the electronic directory provided for in 30-17-101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section. The public officer or public employee may not make arrangements for the listing in the electronic directory during work hours.

(7) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under 2-2-131.

(8) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(9) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.

**2-2-131. Disclosure.** A public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict. The public officer or public employee shall make the disclosure in writing to the commissioner of political practices, listing the amount of private interest, if any, the purpose and duration of the person's services rendered, if any, and the compensation received for the services or other information that is necessary to describe the interest. If the public officer or public employee then performs the official act involved, the officer or employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.

### ***Public Participation in Governmental Operations***

**2-3-101. Legislative intent.** The legislature finds and declares pursuant to the mandate of Article II, section 8, of the 1972 Montana constitution that legislative guidelines should be established to secure to the people of Montana their constitutional right to be afforded

reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency.

**2-3-201. Legislative intent -- liberal construction.** The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed.

**2-3-202 Meeting defined.** As used in this part, "meeting" means the convening of a quorum of the constituent membership of a public agency or association described in 2-3-203, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

**2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions.** (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.

(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.

(3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

(4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.

(b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations described in subsections (1) and (2).

(5) The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.

(6) Any committee or subcommittee appointed by a public body or an association described in subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to the requirements of this section.

**2-3-212. Minutes of meetings -- public inspection.** (1) Appropriate minutes of all meetings required by 2-3-203 to be open must be kept and must be available for inspection by the public. If an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting. If an official recording is made, a written record of the meeting must also be made and must include the information specified in subsection (2).

(2) Minutes must include without limitation:

(a) the date, time, and place of the meeting;

(b) a list of the individual members of the public body, agency, or organization who were in attendance;

(c) the substance of all matters proposed, discussed, or decided; and

(d) at the request of any member, a record of votes by individual members for any votes taken.

(3) If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

(4) Any time a presiding officer closes a public meeting pursuant to 2-3-203, the presiding officer shall ensure that minutes taken in compliance with subsection (2) are kept of the closed portion of the meeting. The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order.

### **Public Records**

**2-6-1002. Definitions.** As used in this chapter, the following definitions apply:

(1) "Confidential information" means information that is accorded confidential status or is prohibited from disclosure as provided by applicable law. The term includes information that is:

(a) constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure;

(b) related to judicial deliberations in adversarial proceedings;

(c) necessary to maintain the security and integrity of secure facilities or information systems owned by or serving the state; and

(d) designated as confidential by statute or through judicial decisions, findings, or orders.

(2) "Constitutional officer" means the governor, lieutenant governor, attorney general, secretary of state, superintendent of public instruction, or auditor, who are the constitutionally designated and elected officials of the executive branch of government.

(3) "Constitutional officer record" means a public record prepared, owned, used, or retained by a constitutional officer.

(4) "Essential record" means a public record immediately necessary to:

(a) respond to an emergency or disaster;

(b) begin recovery or reestablishment of operations during and after an emergency or disaster;

(c) protect the health, safety, and property of Montana citizens; or

(d) protect the assets, obligations, rights, history, and resources of a public agency, its employees and customers, and Montana citizens.

(5) "Executive branch agency" means a department, board, commission, office, bureau, or other public authority of the executive branch of state government.

(6) "Historic record" means a public record found by the state archivist to have permanent administrative or historic value to the state.

(7) "Local government" means a city, town, county, consolidated city-county, special district, or school district or a subdivision of one of these entities.

(8) "Local government records committee" means the committee provided for in 2-6-1201.

(9) "Permanent record" means a public record designated for long-term or permanent retention.

(10) "Public agency" means the executive, legislative, and judicial branches of Montana state government, a political subdivision of the state, a local government, and any agency, department, board, commission, office, bureau, division, or other public authority of the executive, legislative, or judicial branch of the state of Montana.

(11) "Public information" means information prepared, owned, used, or retained by any public agency relating to the transaction of official business, regardless of form, except for confidential information that must be protected against public disclosure under applicable law.

(12) "Public officer" means any person who has been elected or appointed as an officer of state or local government.

(13) "Public record" means public information that is:

(a) fixed in any medium and is retrievable in usable form for future reference; and

(b) designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee.

(14) "Records manager" means an individual designated by a public agency to be responsible for coordinating the efficient and effective management of the agency's public records and information.

(15) "State records committee" means the state records committee provided for in 2-6-1107.

**2-6-1006. Public information requests -- fees.** (1) (a) A person may request public information from a public agency. A public agency shall make the means of requesting public information accessible to all persons.

(b) (i) All public agencies are governed by this subsection (1).

(ii) A public agency that is not an executive branch agency must meet the requirements of subsection (2) when responding to a public information request.

(iii) (A) Except as provided in subsections (1)(b)(iii)(B) and (1)(b)(iv), all executive branch agencies must meet the requirements of subsection (3) when responding to a public information request.

(B) The provisions of subsection (3) apply to the secretary of state, the justice department, the superintendent of public instruction, and the state auditor beginning on October 1, 2025.

(iv) The secretary of state must meet the requirements of subsection (4) regarding fees.

(c) A public agency other than the office of the secretary of state may charge, pursuant to this subsection (1)(c), a fee for fulfilling a public information request. Except where a fee is otherwise provided for by law, the fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The public agency may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

(d) A public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person.

(e) If a public agency agrees to a request to customize a records request response, the costs of the customization may be included in the fees charged by the agency.

(2) Upon receiving a request for public information, a public agency that is not an executive branch agency shall respond in a timely manner to the requesting person by:

(a) making the public information maintained by the public agency available for inspection and copying by the requesting person; or

(b) providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged pursuant to subsection (1)(c).

(3) (a) An executive branch agency shall respond to a public information request by acknowledging receipt of the request within 5 business days of the agency's designated contact person receiving the request. Except for confidential, privileged, or otherwise protected information that is not subject to public disclosure under applicable law and information withheld from public scrutiny as provided in 2-6-1003, the executive branch agency shall respond by:

(i) making the public information maintained by the executive branch agency available in a timely manner for inspection and copying by the requesting person;

(ii) providing a specified public record to the requesting person within 5 working days of the executive branch agency's acknowledgment of receipt of the request if the request is for a single, specific, clearly identifiable, and readily available public record. This subsection (3)(a)(ii) does not apply to requests pertaining only to a specified person or property, including requests for applications, vital records, licenses, permits, or registrations; or

(iii) responding as provided in subsection (3)(b).

(b) (i) If a request seeks public information that cannot be readily identified and gathered, the agency shall provide the requesting person an estimate of the time it will take to fulfill the request and any fees that may be charged pursuant to subsection (1)(c) and shall provide the public information to the requesting person in a timely manner, which may be, except as provided in subsection (3)(b)(ii), within:

(A) 90 days of the public agency's acknowledgment of the request; or

(B) 6 months of the public agency's acknowledgment of the request if the agency determines 90 days is not feasible for a response and the agency provides the requesting person written notice explaining why the agency is unable to provide a response within 90 days.

(ii) If an executive branch agency requires a requesting person to pay an estimated fee pursuant to subsection (1)(c), the agency's obligation to respond to the request is suspended upon sending the estimate to the requesting person and remains suspended until the requesting person makes payment.

(c) An executive branch agency may request additional information or clarification from a requesting person for the purpose of expediting the agency's response to the request. If the agency has requested additional information or clarification, the agency's obligation to respond to the request is suspended until the requesting person provides the requested information or clarification or until the requesting person denies the agency's request for additional information or clarification. If a person requesting public information fails to respond within 30 days to an agency's request for additional information or clarification, the agency may close the request after notifying the requesting person.

(d) Each executive branch agency must have a designated contact for public information requests posted on its website.

(e) By November 1, 2024, or 1 month after this section becomes applicable to an executive branch agency, whichever occurs second, an executive branch agency that is subject to this subsection (3) shall:

(i) establish a public information request process describing the steps for submitting a request and the process the agency will follow when responding to a request for public information, which must be published on a state website;

(ii) provide statistics about public information requests received by the designated contact of the agency, including the number of requests and the agency's response time to fulfill or otherwise resolve the requests; and

(iii) retain and publish on a state website the public information requests the agency has received and the agency's response. The agency is not required to publish requests or responses if the request:

(A) was not submitted according to the agency's posted process;

(B) pertains only to a specific person or property, including requests for applications, vital records, licenses, permits, registrations, and related supporting documents; or

(C) was for information accessible on a state website or other publication available at the time the request was made.

(4) (a) The secretary of state is authorized to charge fees under this section. The fees must be set and deposited in accordance with 2-15-405. The fees must be collected in advance.

(b) The secretary of state may not charge a fee to a member of the legislature or public officer for any search relative to matters pertaining to the duties of the member's office or for a certified copy of any law or resolution passed by the legislature relative to the member's official duties.

**2-6-1017. Prohibition on dissemination or use of distribution lists -- exceptions -- penalties.** (1) Except as provided in subsections (3) through (10), to protect the privacy of those who deal with state and local government:

(a) a public agency may not distribute or sell a distribution list without first securing the permission of those on the list; and

(b) a list of persons prepared by a public agency may not be used as a distribution list except by the public agency or another public agency without first securing the permission of those on the list.

(2) As used in this section, "distribution list" means any list of personal contact information collected by a public agency and used to facilitate unsolicited contact with individuals on the distribution list.

(3) This section does not prevent an individual from compiling a distribution list by examination of records that are otherwise open to public inspection.

(4) This section does not apply to the lists of:

(a) registered electors and the new voter lists provided for in 13-2-115;

(b) the names of employees governed by Title 39, chapter 31;

(c) persons holding driver's licenses or Montana identification cards provided for under 61-5-127;

(d) persons holding professional or occupational licenses governed by Title 37, chapters 1 through 4, 6 through 20, 22 through 29, 31, 34 through 36, 40, 47, 48, 50, 51, 53, 54, 60, 65 through 69, 72, and 73, and Title 50, chapters 39, 72, 74, and 76;

(e) persons who own property in a county water and/or sewer district provided for in 7-13-2275(4)(d); or

(f) persons certified as claims examiners under 39-71-320.

(5) This section does not prevent an agency from providing a list to persons providing prelicensing or continuing education courses subject to state law or subject to Title 33, chapter 17.

(6) This section does not apply to the right of access by Montana law enforcement agencies.



(7) This section does not apply to the secretary of state's electronic filing system developed pursuant to 2-15-404 and containing corporate and uniform commercial code information.

(8) This section does not apply to the use by the public employees' retirement board of a list of board-administered retirement system participants to send materials on behalf of a retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the list is not released to the organization.

(9) This section does not apply to lists of individuals who sign attendance sheets or sign-in sheets at a hearing or meeting of a public agency.

(10) This section does not apply to a public school providing lists of graduating students to representatives of the armed forces of the United States or to the national guard for the purposes of recruitment.

(11) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor.

**2-6-1202. Local government records committee -- duties and responsibilities.** The local government records committee shall:

(1) approve, modify, or disapprove proposals for local government records retention and disposition schedules;

(2) appoint a subcommittee, known as the local government records destruction subcommittee, to handle requests for disposal of records that are not listed on an approved retention schedule. The subcommittee consists of the state archivist, one of the local government records managers, and the representative of the department of administration. Unless specifically authorized by statute or by the retention and disposition schedule, a local government public record may not be destroyed or otherwise disposed of without the unanimous approval of the subcommittee. When approval is required, a request for the disposal or destruction of local government records must be submitted to the subcommittee by the entity concerned. If there is not unanimous approval of the subcommittee, the issue of the disposition of a record must be referred to the local government records committee for approval. When approval is obtained from the subcommittee or from the local government records committee for the disposal of a record, the local government records committee shall consider the inclusion of a new category of record for which a disposal request is not required and shall update the schedule as necessary.

(3) establish a retention and disposition schedule for categories of records for which a disposal request is not required. The local government records committee shall publish the retention and disposition schedules. Updates to those schedules, if any, must be published at least annually.

(4) develop guidance for local governments to identify, maintain, and secure their essential records;

(5) respond to requests for technical advice on matters relating to local government records; and

(6) provide leadership and coordination in matters affecting the records of multiple local governments.

## **Local Government General Provisions**

**7-1-201 Boards.** (1) A board of county commissioners may by resolution establish the administrative boards, districts, or commissions allowed by law or required by law to be

established pursuant to 7-1-202, 7-1-203, Title 7, chapter 11, part 10, and this section and listed in 7-1-202. The resolution creating an administrative board, district, or commission must specify:

- (a) the number of administrative board, district board, or commission members;
- (b) the terms of the members;
- (c) whether members are entitled to mileage, per diem, expenses, and salary; and
- (d) any special qualifications for membership in addition to those established by law.

(2) (a) An administrative board, a district board, or a commission may be assigned responsibility for a department or service district.

(b) An administrative board, a district board, or a commission may:

- (i) exercise administrative powers as granted by resolution, except that it may not pledge the credit of the county or impose a tax unless specifically authorized by state law; and
- (ii) administer programs, establish policy, and adopt administrative and procedural rules.

(c) The resolution creating an administrative board, a district board, or a commission must grant the administrative board, district board, or commission all powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the department or district.

(d) If authorized by resolution, an administrative board, a district board, or a commission may employ personnel to assist in its functions.

(3) (a) An administrative board, a district board, or a commission may be made elective.

(b) If an administrative board, a district board, or a commission is made elective, the election must be conducted as provided in Title 13, chapter 1, part 5.

(c) A vacancy created pursuant to 2-16-501 occurring during a term must be filled for the unexpired term by the county commissioners. The member appointed to fill the vacancy holds the office until a successor has been elected and qualified.

(4) An administrative board, a district board, or a commission may not sue or be sued independently of the local government unless authorized by state law.

(5) (a) If administrative board, district board, or commission members are to be appointed, the members must be appointed by the county commissioners. The county commissioners shall post prospective membership vacancies at least 1 month prior to filling the vacancy. A vacancy created pursuant to 2-16-501 occurring during a term must be filled for the unexpired term by the county commissioners. The member appointed to fill the vacancy holds the office until a successor has been appointed and qualified.

(b) The county commissioners shall maintain a register of appointments, including:

- (i) the name of the administrative board, district board, or commission;
- (ii) the date of appointment and confirmation, if any is required;
- (iii) the length of term;
- (iv) the name and term of the presiding officer and other officers of each administrative board, district board, or commission; and
- (v) the date, time, and place of regularly scheduled meetings.

(c) Terms for members of elected or appointed boards or commissions may not exceed 4 years. Unless otherwise provided by resolution or as provided in 7-11-1010, members shall serve terms beginning on July 1 and shall serve at the pleasure of the county commissioners.

(6) An administrative board, a district board, or a commission must consist of a minimum of 3 members and must have an odd number of members.

(7) The resolution creating an administrative board, a district board, or a commission may provide for voting or nonvoting ex officio members.

(8) Two or more local governments may provide for a joint administrative board, district board, or commission to be established by interlocal agreement.

(9) A majority of members constitutes a quorum for the purposes of conducting business and exercising powers and responsibilities. Action may be taken by a majority vote of members present and voting unless the resolution creating the board, district, or commission specifies otherwise.

(10) An administrative board, a district board, or a commission shall provide for the keeping of written minutes, including the final vote on all actions and the vote of each member.

(11) An administrative board, a district board, or a commission shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the county commissioners.

(12) Unless otherwise provided by law, a person must be a citizen of the United States and a resident of the county to be eligible for appointment to an administrative board, a district board, or a commission. The county commissioners may prescribe by resolution additional qualifications for membership.

(13) A person may be removed from an administrative board, a district board, or a commission for cause by the county commissioners or as provided by resolution.

(14) A resolution creating an administrative board, a district board, or a commission must contain, if applicable, budgeting and accounting requirements for which the administrative board, district board, or commission is accountable to the county commissioners.

(15) If a municipality creates a special district in accordance with Title 7, chapter 11, part 10, the governing body of the municipality shall comply with this section if the governing body chooses to have the special district governed by a separate board.

**7-1-203. County commissioners to assume duties of administrative boards, districts, and commissions.** (1) If the minimum number of qualified persons is not available for membership on an administrative board, district, or commission, the county commissioners may by resolution, at a public meeting, assume the duties of the administrative board, district, or commission and may act as that board, district, or commission with the same powers and duties as that board, district, or commission.

(2) County commissioners, acting in the capacity of an administrative board, district, or commission may not receive any compensation in addition to their compensation as county commissioners.

### ***Alternative Forms of Local Government***

**7-3-111. Statutory basis for elected county official government.** (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

...(h) 7-3-417(2)

**7-3-417. Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

(1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

(2) community councils to advise commissioners may be authorized by ordinance.

**7-3-418. Terms of elected officials.** The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

### **Officers and Employees**

**7-4-101. Filing of oath of office.** Every oath of office, certified by the officer before whom the same was taken, must be filed within the time required by law, except when otherwise specially provided, as follows:

(1) in the office of the secretary of state for all officers whose authority is not limited to any particular county;

(2) in the office of the clerk of the respective county for all elected or appointed officers for any county, all officers whose duties are local or whose residence in any particular county is prescribed by law, and the clerks of the district courts.

### **Elections**

#### **General Laws and Definitions**

**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, is submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall question, school levy question, bond issue question, or ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement on the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(7) "Ballot issue committee" means a political committee specifically organized to support or oppose a ballot issue.

(8) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; or

(c) an officeholder who is the subject of a recall election.

(9) (a) "Contribution" means:

(i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

(ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

(iii) the receipt by a political committee of funds transferred from another political committee; or

(iv) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) The term does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(ii) meals and lodging provided by individuals in their private residences for a candidate or other individual;

(iii) the use of a person's real property for a fundraising reception or other political event; or

(iv) the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.

(c) This definition does not apply to Title 13, chapter 37, part 6.

(10) "Coordinated", including any variations of the term, means made in cooperation with, in consultation with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a candidate or political committee.

(11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant enforcement as a campaign practices violation under Title 13, chapter 37.

(12) "Disability" means a temporary or permanent mental or physical impairment such as:

(a) impaired vision;

(b) impaired hearing;

(c) impaired mobility. Individuals having impaired mobility include those who require use of a wheelchair and those who are ambulatory but are physically impaired because of age, disability, or disease.

(d) impaired mental or physical functioning that makes it difficult for the person to participate in the process of voting.

(13) "Election" means a general, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(14) (a) "Election administrator" means, except as provided in subsection (14)(b), the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties even if the school election is administered by the school district clerk.

(15) (a) "Election communication" means the following forms of communication to support or oppose a candidate or ballot issue:

(i) a paid advertisement broadcast over radio, television, cable, or satellite;

(ii) paid placement of content on the internet or other electronic communication network;

(iii) a paid advertisement published in a newspaper or periodical or on a billboard;

(iv) a mailing; or

(v) printed materials.

(b) The term does not mean:

(i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

(ii) a communication that does not support or oppose a candidate or ballot issue;

(iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

(iv) a communication by any membership organization or corporation to its members, stockholders, or employees;

(v) a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or

(vi) a communication that the commissioner determines by rule is not an election communication.

(16) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to perform duties as specified by law.

(17) "Election official" means an election administrator, election deputy, or election judge.

(18) "Election worker" means an individual designated by an election official to perform election support duties.

(19) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or oppose a candidate or ballot issue,

that can be received by more than 100 recipients in the district voting on the candidate or ballot issue, and that:

- (i) refers to one or more clearly identified candidates in that election;
- (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that election; or
- (iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

(b) The term does not mean:

(i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation unless the facilities are owned or controlled by a candidate or political committee;

(ii) a communication by any membership organization or corporation to its members, stockholders, or employees;

(iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

(iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

(v) a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices; or

(vi) a communication that the commissioner determines by rule is not an electioneering communication.

(20) "Elector" means an individual qualified to vote under state law.

(21) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value:

(i) made by a candidate or political committee to support or oppose a candidate or a ballot issue;

(ii) made by a candidate while the candidate is engaging in campaign activity to pay child-care expenses as provided in 13-37-220; or

(iii) used or intended for use in making independent expenditures or in producing electioneering communications.

(b) The term does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

(ii) except as provided in subsection (21)(a)(ii), payments by a candidate for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees;

(v) the use of a person's real property for a fundraising reception or other political event;

or

(vi) the cost of a communication not for distribution to the general public by a religious organization exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious beliefs or practices.

(c) This definition does not apply to Title 13, chapter 37, part 6.

(22) "Federal election" means an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(23) "General election" means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

(24) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

(25) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

(26) (a) "Incidental committee" means a political committee that is not specifically organized or operating for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become a political committee by receiving a contribution or making an expenditure.

(b) For the purpose of this subsection (26), the primary purpose is determined by the commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose or goal of the person or individuals that form the committee.

(27) "Independent committee" means a political committee organized for the primary purpose of receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits set forth in 13-37-216(1).

(28) "Independent expenditure" means an expenditure for an election communication to support or oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue committee.

(29) "Individual" means a human being.

(30) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(31) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(32) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, including a political committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (8).

(33) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

(34) (a) "Political committee" means a combination of two or more individuals or a person other than an individual who receives a contribution or makes an expenditure:

(i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination;

(ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(iii) to prepare or disseminate an election communication, an electioneering communication, or an independent expenditure.



(b) Political committees include ballot issue committees, incidental committees, independent committees, and political party committees.

(c) A candidate and the candidate's treasurer do not constitute a political committee.

(d) A political committee is not formed when a combination of two or more individuals or a person other than an individual makes an election communication, an electioneering communication, or an independent expenditure of \$250 or less.

(e) A joint fundraising committee is not a political committee.

(35) "Political party committee" means a political committee formed by a political party organization and includes all county and city central committees.

(36) "Political party organization" means a political organization that:

(a) was represented on the official ballot in either of the two most recent statewide general elections; or

(b) has met the petition requirements provided in Title 13, chapter 10, part 5.

(37) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election.

(38) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(39) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate candidates for offices filled at a general election.

(40) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(41) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.

(42) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(43) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503 and 13-17-510.

(44) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(45) "Regular school election" means the school trustee election provided for in 20-20-105(1).

(46) "Religious organization" means a house of worship with the major purpose of supporting religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic documents of the organization must list a formal code of doctrine and discipline, and the organization must spend the majority of its money on religious activities such as regular religious services, educational preparation for its ministers, development and support of its ministers, membership development, outreach and support, and the production and distribution of religious literature developed by the organization.

(47) "School election" has the meaning provided in 20-1-101.

(48) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

(49) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.

(50) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail.

(51) "Special election" means an election held on a day other than the day specified for a primary election, general election, or regular school election.

(52) "Special purpose district" means an area with special boundaries created as authorized by law for a specialized and limited purpose.

(53) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

(54) "Support or oppose", including any variations of the term, means:

(a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters in an election; or

(b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or defeat of the ballot issue or other question submitted to the voters in an election.

(55) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

(56) "Voted ballot" means a ballot that is:

(a) deposited in the ballot box at a polling place;

(b) received at the election administrator's office; or

(c) returned to a place of deposit.

(57) "Voter interface device" means a voting system that:

(a) is accessible to electors with disabilities;

(b) communicates voting instructions and ballot information to a voter;

(c) allows the voter to select and vote for candidates and issues and to verify and change selections; and

(d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's accuracy and that may be manually counted.

(58) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper ballot.

**13-1-104 Times for holding general elections.** (1) A general election must be held throughout the state on the first Tuesday after the first Monday in November.

(2) In every even-numbered year, the following elections must be held on general election day:

(a) an election on any ballot issue submitted to electors pursuant to Article III, section 6, unless the legislature orders a special election, or Article XIV, section 8, of the Montana constitution;

(b) an election of federal officers, members of the legislature, state officers, multicounty district officers elected at a statewide election, district court judges, and county officers; and

(c) any other election required by law to be held on general election day in an even-numbered year.

(3) In every odd-numbered year, the following elections must be held on the same day as the general election:

(a) an election of officers for municipalities required by law to hold the election; and

(b) any other election required by law to be held on general election day in an odd-numbered year.

**13-1-108 Notice of political subdivision elections.** (1) Except as otherwise provided in this section, an election administrator conducting a political subdivision election shall give notice of the election at least three times no earlier than 40 days and no later than 10 days before the election. The notice must be published in a newspaper of general circulation in the jurisdiction where the election will be held or by broadcasting the notice on radio or television as provided in 2-3-105 through 2-3-107. The notice must be given using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection are fulfilled upon the third publication or broadcast of the notice.

(2) If the newspaper of general circulation within a political subdivision is a weekly newspaper, the notice may be published only two times and the notice requirements are fulfilled upon the second publication of the notice.

(3) With respect to an election on the creation or dissolution of a special purpose district or the alteration of a special purpose district's boundaries, the notice must include a specific description of the proposed boundaries or the proposed change to the boundaries.

**13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (8), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. Except for a candidate who files under 13-38-201, a candidate may not file for more than one public office. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. When a county election administrator is conducting the election for a school district, the school district clerk or school district office that receives the declaration of intent shall notify the county election administrator of the filing. Except as provided in subsections (2) and (3), the declaration must be filed no later than 5 p.m. on the 10th day before the date established under 13-13-205 on which a ballot must be available for absentee voting for the election and must contain:

(a) (i) the candidate's first and last names;

(ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

(iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

(b) the candidate's mailing address;

(c) a statement declaring the candidate's intention to be a write-in candidate;

(d) the title of the office sought;

(e) the date of the election;

(f) the date of the declaration; and

(g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office that the write-in candidate is seeking dies or is charged with a felony offense.

(3) A person seeking to become a write-in candidate in a mail ballot election or for a trustee position in a school board election shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.

(4) The secretary of state shall notify each election administrator of the names of write-in candidates who have filed a declaration of intent with the secretary of state. Each election administrator and school district clerk shall notify the election judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

(5) A declaration of intent may be provided to the election administrator or secretary of state:

- (a) by facsimile transmission if a facsimile facility is available for receipt;
- (b) in person; or
- (c) by mail.

(6) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the secretary of state or the election administrator.

(7) A write-in candidate who files a declaration of intent for a general election may not file with a partisan, nonpartisan, or independent designation.

(8) Except as provided in 13-38-201(5), the requirements in subsection (1) do not apply if:

- (a) an election is held;
- (b) a person's name is written in on the ballot;
- (c) the person is qualified for and seeks election to the office for which the person's name was written in; and
- (d) no other candidate has filed a declaration or petition for nomination or a declaration of intent.

**13-1-305. School district and political subdivision election cooperation.** Any political subdivision holding a polling place election on the same day as a regular school election shall cooperate with a school district having similar district boundaries to hold the election at the same polling place. The election administrator appointed under the provisions of 13-1-301 shall cooperate with the school district election administrator to share costs, as provided in 13-1-302.

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## **APPENDIX M**

### **MISSOULA COUNTY ACCESSIBILITY POLICY FOR PERSON WITH DISABILITIES POLICY NO. 2005-02 AND RESOURCES FOR INTERACTING WITH AND SERVING PERSONS WITH DISABILITIES**

## **APPENDIX M: MISSOULA COUNTY ACCESSIBILITY POLICY FOR PERSONS WITH DISABILITIES POLICY NO. 2005-02 AND RESOURCES FOR INTERACTING WITH AND SERVING PERSON WITH DISABILITIES**

### **MISSOULA COUNTY ACCESSIBILITY POLICY FOR PERSONS WITH DISABILITIES POLICY NO. 2005-02**

**Purpose:** To comply with the requirements of title II of the Americans with Disabilities Act (ADA) of 1990 and to affirm Missoula County's policy and practice that facilities, programs, services, and activities of Missoula County government are accessible to members of the public, including qualified individuals with disabilities.

**Definitions:** "Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity (Section 504 of the Rehabilitation Act of 1973, as amended, 42 U.S.C. Section 12131 et seq., 28 CFR Part 35, the Americans with Disabilities Act of 1990)."

**Policy:** In accordance with Title II of the ADA and its implementing regulations, no qualified individual with a disability shall, on the basis of such a disability, be subjected to discrimination or be excluded from participation in, or denied the benefits of the services, programs, activities or physical facilities which Missoula County provides to the public.

*Employment:* The County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act (ADA).

*Effective Communication:* The County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the County's programs, services, and activities, including qualified sign language interpreters, documents in braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. Primary consideration will be given to the requests of the qualified individual with a disability unless another equally effective accommodation is available, or the use of the means requested would result in a fundamental alteration of the service, program, or activity or in undue financial or administrative burden.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the appropriate Missoula County office at 406-721-5700, as soon as possible but no later than 48 hours before the scheduled event. Requests for documents in braille may take up to two (2) weeks to fill.

Complaints that a Missoula County program, service, or activity is not accessible to persons with disabilities should be directed to Missoula County's ADA Coordinator at 406-258-4877.

*Modification to Policies and Procedures:* The County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all County programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited unless the service animal's presence or behavior creates a fundamental alteration to the program or service being provided or presents a direct threat to safety. In addition, as a matter of policy, not compliance, Missoula County will afford access to individuals, with or without a disability, accompanied by service animals-in-training. Individuals and their accompanying service animals-in-training will be subject only to the conditions and limitations established by law and applicable alike to individuals with disabilities and their service animals.

To the extent possible, Missoula County will ensure that physical facilities are usable by qualified individuals with disabilities. Where physical facilities cannot be made usable, overall program accessibility will be ensured.

Public meetings will be held at accessible locations and in such a manner that qualified people with disabilities are able to participate fully.

Qualified people with disabilities shall not be discriminated against in participation on boards, commissions, or on advisory and planning committees.

All Missoula County offices and programs shall be accessible to users of TTYs either by having a TTY to provide direct TTY access or by using the Montana Relay Service.

Missoula County's grievance procedure (Appendix A) provides an avenue for prompt and equitable resolution of grievances alleging discrimination on the basis of disability in the County's provision of programs, services, and activities, and access to physical facilities.

The County is not required to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

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## **Appendix A (to Missoula County Policy No. 2005-02) ADA Grievance Procedure**

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). Anyone who wishes to file a complaint alleging discrimination on the basis of disability in:

- Missoula County employment policies or practices, or
- Missoula County programs, services, activities, or access to facilities may use this grievance procedure to file such a complaint.

The complaint should be in writing and should contain information about the alleged discrimination, such as:

- The name, address, and phone number of the person filing the grievance;
- A description of the problem;
- The date on which the problem occurred;
- The location where the problem occurred.

Upon request of persons with disabilities, Missoula County will make available alternative means of filing complaints, such as personal interviews or tape recordings of the complaint. The complaint should be submitted as soon as possible to the ADA Coordinator, 200 W Broadway, Missoula, MT 59802, but no later than 60 calendar days

Within 15 calendar days from receipt of complaint the ADA Coordinator will respond in writing. Where appropriate, the response will be in a format accessible to the person who filed the complaint.

If the ADA Coordinator's response does not satisfactorily resolve the issue, the grievance may, within 15 calendar days after receipt of the ADA Coordinator's response, be submitted to the Missoula County Board of Commissioners or designee.

Within 15 calendar days of receiving the complaint, the Board of County Commissioners will respond to the complaint in writing. The Board will respond in a format that is accessible to the person who filed the complaint.

The ADA Coordinator and the Board of County Commissioners may attempt to resolve the grievance informally at any time within the time limits specified above.

Missoula County will keep all written information pertaining to the grievance for at least three years. Examples include:

- Written complaints received by Missoula County;
- Appeals to the Board of County Commissioners;
- Written responses by the ADA Coordinator and the Board of County Commissioners.



## **Interacting with and Serving Persons with Disabilities: Resources and Information for Missoula County Employees**

The Americans with Disabilities Act, other laws and the efforts of many disability organizations have made strides in improving accessibility in buildings, increasing access to education, opening employment opportunities and developing realistic portrayals of persons with disabilities in television programming and motion pictures. Where progress is still needed is in communication and interaction with people with disabilities. Individuals are sometimes concerned that they will say the wrong thing, so they say nothing at all – thus further segregating people with disabilities. Listed here are some suggestions on how to relate to and communicate with and about people with disabilities.

Positive language empowers. When writing or speaking about people with disabilities, it is important to put the person first. Group designations such as “the blind,” “the retarded,” or “the disabled” are inappropriate because they do not reflect the individuality, equality, or dignity of people with disabilities. Further, words like “normal person” imply that the person with a disability isn’t normal, whereas “person without a disability” is descriptive but not negative. People with disabilities may have different preferences when referring to their disability. Some people see their disability as an essential part of who they are and prefer to be identified with their disability first, this is called Identity-First Language\*. In general, refer to the person first and disability second. However, always ask to find out an individual’s language preference.

Etiquette considered appropriate when interacting with people with disabilities is based primarily on respect and courtesy. Outlined below are tips to help you in communicating with persons with disabilities.

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The accompanying chart shows examples of positive and negative phrases.

<b>Affirmative Phrases</b>	<b>Negative Phrases</b>
Person with an intellectual, cognitive, developmental disability	Retarded; mentally defective
Person who is blind, person who is visually impaired	The blind
Person with a disability	The disabled; handicapped (derived from "cap in hand")
Person who is deaf	The deaf; deaf and dumb
Person who is hard of hearing	Suffers a hearing loss
Person who has multiple sclerosis	Afflicted by MS
Person with cerebral palsy	CP victim
Person with epilepsy, person with seizure disorder	Epileptic
Person who uses a wheelchair	Confined or restricted to a wheelchair
Person who has muscular dystrophy	Stricken by MD
Person with a physical disability, physically disabled	Crippled; lame; deformed; invalid
Unable to speak, uses synthetic speech	Dumb; mute
Person with psychiatric disability	Crazy; nuts
Person who is successful, productive	Has overcome his/her disability; it courageous (when it implies the person has courage because of having a disability)

\* Examples of Identity-First Language include identifying someone as a *deaf person* instead of a *person who is deaf*, or an *autistic person* instead of a *person with autism*.

### **General Tips for Communicating with People with Disabilities**

- When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.)
- If you offer assistance to a person with a disability, wait until your offer is accepted before you help. Then listen to or ask for instructions.
- Treat adults as adults. Address people who have disabilities by their first names only when extending the same familiarity to all others.
- Relax. Don't be embarrassed if you happen to use common expressions such as "See you later" or "I've got to be running" that seem to relate to a person's disability.
- Be considerate of the extra time it might take for a person with a disability to get things done or said.
- Don't be afraid to ask questions when you're unsure what to do.

## **About the Deaf and Hard of Hearing Community**

Approximately six to eight percent of the American population has some type of hearing loss that affects their ability to hear speech or environmental sounds. A person who is deaf has a hearing loss of such severity that he or she depends primarily upon visual communication such as sign language, lip-reading (also called speech-reading), writing or gestures. A person who is hard of hearing has a functional hearing loss, but may not depend primarily on visual communication.

The causes and degrees of hearing loss vary across the deaf and hard of hearing community, as do methods of communication. There are two major types of hearing loss:

- Conductive loss affects the sound-conducting paths of the outer and middle ear. The degree of loss can be accommodated through the use of a hearing aid or by surgery, but can rarely be corrected completely. People with conductive loss might speak softly, hear better in noisy surroundings than people without conductive hearing loss, and might experience ringing in their ears or difficulties with balance and dizziness.
- Sensorineural loss affects the inner ear and the auditory nerve and can range from mild to profound. Hearing aids, surgery, and other devices may not be as effective in accommodating this type of hearing loss. People with sensorineural loss might speak loudly, experience greater high-frequency loss, have difficulty distinguishing consonant sounds, and not hear well in noisy environments.

The inability to hear does not affect an individual's native intelligence or the physical ability to produce sounds. However, given the close relationship between oral language and hearing, persons with hearing loss might also have speech impairments. Age at the time of the loss determines whether an individual is prelingually deaf (hearing loss before oral language acquisition) or adventitiously deaf (normal hearing during language acquisition). Those born deaf or who become deaf as very young children might have more limited speech development.

## **Modes of Communication**

Not all deaf individuals are fluent users of all communication modes used across the deaf community – just as users of spoken language are not fluent in all oral languages. Some deaf individuals are skilled lip-readers, but many are not. Many speech sounds have identical mouth movements, which can make lip-reading particularly difficult. For example, "p," "b," and "m" look exactly alike on the lips, and many sounds such as vowels are produced without using clearly differentiated lip movements.

Many deaf individuals use sign language, but there are several types of sign language systems:

- American Sign Language (ASL) is a natural, visual language having its own syntax and grammatical structure which closely resembles French.
- Finger-spelling is the use of the manual alphabet to form words.

People who use ASL often identify as culturally Deaf (with a capital "D") to indicate that ASL (not a spoken language) is their first language and they identify as members of the Deaf community, with its own cultural norms, art, history, humor, etc. These individuals may also have difficulty with reading and writing English, because it is not their native language. Their grammar and literacy will be that of a student learning English as a second language.

Some individuals who are more familiar with English may use Pidgin Sign English (PSE), which is also called "Contact Signing." It combines aspects of ASL and English and is used in educational situations.

For additional information on issues facing individuals who are deaf or hard of hearing, access any of the following websites:

- National Association of the Deaf  
<http://www.nad.org>
- Registry of Interpreters for the Deaf  
<http://rid.org>
- Western Region Outreach Center & Consortia  
<http://ruralinstitute.umt.edu>

### **Tips for Communicating with People who are Hard of Hearing**

- Get the person's attention before speaking. Call out the person's name, tap the person on the shoulder, or wave.
- Key the person into the topic. They need to know what the subject is to be able to pick up words that will help them follow the conversation.
- Speak slowly and clearly, but do not yell, exaggerate, or over pronounce. Exaggeration can distort lip movements. Short sentences are easier to understand.
- Look directly at the person when speaking. Avoid turning away.
- Do not place anything in your mouth when speaking.
- Maintain eye contact with the person. If an interpreter is present, continue to speak directly to the person with the hearing impairment.
- Use the words "I" and "you" when communicating with an interpreter, not "tell him."

### **Tips for Communicating with People who are Deaf**

- Get the person's attention before speaking. Gently tap the person on the shoulder, or wave.
- Key the person into the topic. They need to know what the subject is to be able to pick up words that will help them follow the conversation.
- Speak slowly and clearly.
- Maintain eye contact with the person. If an interpreter is present, continue to speak directly to the person with the hearing impairment.
- Use the words "I" and "you" when communicating with an interpreter, not "tell him."

## **Considerations in Working with Members of the Public who are Deaf or Hard of Hearing**

It is important to ask the individual which type of interpreter they prefer. A Certified Interpreter (C.I.) translates English to American Sign Language. A Certified Transliterater (C.T.) works solely in English. Each of the three local interpreters available to the County is nationally certified as an interpreter, a transliterator, or both (C.S.C.).

An oral interpreter has had extensive training and is fluent in translating the meaning of spoken words by quietly mouthing a speaker's words for a person who is deaf or hard of hearing. Oral interpreters are skilled at substituting words for those that are difficult to speech read while maintaining the intent of the speaker. Sign language is not typically used by oral interpreters for effective communication. Montana does not have any nationally certified oral interpreters.

If a matter requiring translation is of a legal nature it is important to understand that the interpreter will *not* serve as the defense interpreter, the prosecuting interpreter, and the proceedings interpreter. Were an interpreter to serve as the sole interpreter for a court proceeding, an obvious conflict of interest would result. Missoula County, however, has only one certified legal interpreter. A legal matter may require bringing in a larger team of interpreters from surrounding areas.

For sign language interpreting services, please contact the County.

## **Real-Time Transcription Services**

Real-time transcribing is a method of using specialized software to convert spoken language into visual text onto a laptop computer screen. Individuals who are deaf or hard of hearing read the transcription from a second computer. The transcriber captures both the meaning and style of what is said.

There is a shortage of court reporters in Missoula, as a result transcription services are difficult to acquire. There are a number of configurations available for delivering transcribed communication. Ask the vendors what they offer.

## **Working with Sign Language and Oral Interpreters and Real-time Captioners**

Interpreting and real-time captioning are easier if interpreters and captioners receive a print copy of a presentation beforehand. If possible, the written script of any slide show, film or video soundtrack should also accompany the presentation's text and vocabulary. It is thoughtful to routinely send such materials to the conference coordinator with a note explaining that these are for the interpreters' and captioners' use. If the complete text of a presentation isn't available, interpreters and/or captioners should receive an outline and a list of definitions for any technical or esoteric terms and names. Interpreters frequently must devise signs for unusual terms or fingerspell proper names - advance notice makes this easier and enhances the audience's understanding of the presentation. If it's impossible to provide terms to interpreters beforehand, presenters must be prepared to spell and/or define unusual terms, names and foreign words. If the audience breaks into groups for activities, the conference coordinator will need advance notice - additional interpreters may be required and the room

set-up may need reconfiguration so groups aren't segregated by disability (i.e., everyone who uses an interpreter or a wheelchair).

A presenter should use any amplification system provided, face the audience when speaking, and keep hands, papers, etc. away from the face so lips aren't obscured. Any writing on a board or flipchart should be completed before the presenter turns and speaks to the audience – if possible, an assistant should do the writing, distribute materials, etc. The presenter shouldn't walk or stand in front of an interpreter. Audience members can hold all comments and questions until the end of the presentation and wait until they are specifically acknowledged before speaking (to ensure that only one person speaks at a time). If the audience doesn't have access to microphones, before responding the speaker should repeat each question or comment into his or her microphone.

### **About the Blind and Low Vision Community**

There are approximately 12 million blind and visually impaired people in the United States. Some blind people may not have any useable vision or their vision may be extremely limited (light, color or shadow perception only). Only two percent of people with vision impairments are totally blind; most blind people have some amount of usable vision. What they all have in common is a bilateral visual impairment that makes it more difficult to do major life activities and cannot be adequately corrected by medical or surgical intervention, therapy, conventional eyewear or contact lenses.

Blindness may be defined in several ways. A person is considered "Legally blind" if their best corrected visual acuity is 20/200 or less. This means that, at best, the person can see an object from a distance of 20 feet that a person with "normal" (20/20) vision can see from a distance of 200 feet. A person is also considered legally blind if their visual field – everything seen while looking straight ahead, including peripheral (side) and central (straight ahead) vision – is 20 degrees or less. The typical human visual field is 180 degrees. Some individuals, while not legally blind, may need some type of accommodation due to other eye conditions that prevent them from reading print for extended periods of time.

### **Considerations in Working with Blind and Low-Vision Members of the Public**

- Some individuals with vision loss use canes or dog guides for mobility purposes; however, many navigate without them.
- When talking with or greeting a person with a visual impairment, speak in a normal voice; most people with visual impairments are not hard of hearing.
- When entering a room, identify yourself to the individual. Use the person's name when directing the conversation to him or her.
- When giving directions, use terms such as "left," "right," "step up" or "step down." Give direction from the individual's perspective.
- When guiding a person with a visual impairment, offer your arm and let the person take it; rather than pulling, pushing or otherwise trying to steer the individual.
- Do not pet or otherwise distract a working dog guide.

If a member of the public requests a public record or County document in braille or large format, reference the following ranked list:

Braille Plus, Inc.  
2659 Commercial Street SE  
Salem, OR 97302  
866-264-2345  
<http://www.brailleplus.net>

National Braille Press  
88 Saint Stephens Street  
Boston, MA 02115  
888-965-8965  
<http://www.nbp.org>

The turnaround time for putting a document in Braille depends on the length of the document. One printed page is the equivalent of about 3-4 Braille pages. Braille Plus, Inc. also provides documents in large print, audio, and basic text documents (e.g., documents without formatting, graphics, charts, or tables) to facilitate reading software use.

For additional information on issues facing individuals who are blind or low vision, contact Missoula County or access any of the following websites:

- American Foundation for the Blind  
<http://www.afb.org>
- American Council of the Blind  
<http://www.acb.org>
- National Federation of the Blind  
<http://www.nfb.org>

### **Tips for Communicating and Interacting with People with Visual Impairments**

- Always ask first before offering any help and do not be offended if it is refused.
- Allow the person to take your arm when offering assistance to a person with a visual impairment.
- Greet a person with a severe loss of vision by touching their arm and identifying yourself and others who may be with you.
- Be clear in giving directions such as, "The door is five steps ahead of you."
- Keep doors open or closed. A half-opened door is a hazard.
- If someone needs assistance in taking their seat, show them to their chair by putting their hand on the back of the chair.

### **Tips for Communicating with People with Speech Impediments**

- Give 100% of your attention when talking to a person who has difficulty speaking. Be encouraging rather than correcting.

- Be patient rather than speak for the person.
- Ask short questions that require short answers or a nod or a shake of the head.

### **Tips for Communicating with Wheelchair Users**

- Place yourself at the wheelchair user's eye level when talking to a person in a wheelchair for more than a few minutes.
- Consider distance, weather conditions, and physical obstacles such as stairs, curbs, and steep hills when giving directions to a person in a wheelchair.
- Avoid leaning or hanging on a person's wheelchair. This could be interpreted as an invasion of one's personal space.
- Do not push the wheelchair unless asked.
- Do not patronize people in wheelchairs by patting them on the head.

### **How can you help eliminate barriers confronting people with disabilities?**

- Understand the need for accessible parking and leave it for those who need it.
- Encourage participation of people with disabilities in activities by making sure that the activity is accessible.
- Speak up when negative words or phrases are used in connection with disabilities.
- Accept people with disabilities as individual human beings with the same needs and feelings you might have.
- Avoid attaching labels to people with or without disabilities. For example, the word "normal" is acceptable when referring to statistical norms or averages, but not as a label for a person who has no disability.

### **Website Design**

Increasingly, Community Councils are creating their own websites 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 and are generally appropriate and understandable. Councils should refer to the County's webpage for information on accessibility of web content when creating websites. If creating a website, please contact the Missoula County ADA Coordinator for accessibility requirements. (<https://www.missoulacounty.us/directory/accessibility>).

### **The Americans with Disabilities Act (ADA)**

The following websites have further information about the Americans with Disabilities Act:

- [www.ada.gov/](http://www.ada.gov/) - U.S. Department of Justice - Information and Technical Assistance on the ADA
- [www.ada.gov/pcatoolkit/chap3toolkit.htm](http://www.ada.gov/pcatoolkit/chap3toolkit.htm) - General Effective Communication Requirements Under Title II of the ADA
- [www.ada.gov/civicac.htm](http://www.ada.gov/civicac.htm) - Project Civic Access - A wide-ranging effort to ensure that counties, towns, and villages comply with the ADA by eliminating physical and communication barriers that prevent people with disabilities from participating fully in community life.



- [www.ada.gov/publicat.htm#anchor-website](http://www.ada.gov/publicat.htm#anchor-website) - ADA Regulations and Technical Assistance Materials

### **Resources in Missoula**

- [www.summitilc.org](http://www.summitilc.org) - Summit Independent Living Center, Inc. - Advocacy Center for Montanans with Disabilities

### **Resources in Montana**

- Independent Living Centers that serve regions of the state of Montana  
<https://dphhs.mt.gov/detd/independentliving/Center>

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## **APPENDIX N**

### **FREQUENTLY ASKED QUESTIONS**

## **APPENDIX N: FREQUENTLY ASKED QUESTIONS**

### **What is a Community Council?**

In general, a community council is an elected group of citizens representing a particular neighborhood or geographic area and which provides focus, leadership, support and continuity to a community.

Community Councils are authorized under Montana law and established by residents, often through petition or public meeting, and then formally recognized by the Missoula Board of County Commissioners (County Commissioners).

### **How many Community Councils are in Missoula County?**

Missoula County currently has seven (7) Community Councils representing specific regions within Missoula County. The boundaries of the geographic areas and neighborhoods served by Community Councils are defined as Council Areas or Council Boundaries and typically follow existing school district boundaries.

### **How many members sit on a Community Council?**

Montana law (MCA 7-3-417) requires that there be at least three members. There is no upper limit. The County Commissioners have established that each Community Council serving Missoula County shall consist of five (5) or seven (7) Council Members with up to two (2) alternates.

### **What is the purpose of Community Councils?**

One of the primary roles of the Community Councils is to serve as an official conduit of information and a communication link between the citizens outside the Missoula urban area and the governing body of Missoula County, namely the County Commissioners. Community Councils disseminate information to citizens and provide a forum for the discussion of local issues, which may include, but not be limited to, public health and safety, economic development, housing, land use planning and zoning, infrastructure needs and parks and recreation. Community Councils provide input and recommendations to the County Commissioners and are intended to advance and promote the interests and welfare of the citizens it represents.

Additionally, Community Councils serve to facilitate communication with other local, county, state, federal and tribal government agencies, and with other organizations or individuals.

### **What authorities do Community Councils have?**

Community Councils serve in an advisory capacity, solely to the County Commissioners. Community Councils have the authority to provide recommendations and comments to the County Commissioners on issues within or which may impact their respective Council Areas. A Community Council may provide information to the citizens in its Council Area and gather local opinion regarding public health and safety issues such as economic development,

housing development, land use planning and zoning, infrastructure needs, parks and recreation activities. Community Councils can also recommend the creation of additional governance tools as needed such as business or special improvement districts and multi-jurisdictional districts, and they serve as a liaison for local agencies in their Council Area to apply for and receive grants from Missoula County or other agencies. *Note: Since Community Councils are not separate legal entities and not authorized to enter into binding legal agreements, they are not authorized to receive or accept grants funds or donations, except for grants administered by a department of Missoula County on behalf of the Community Council.*

### **What kinds of activities do Community Councils engage in?**

Community Councils may facilitate community engagement on in their respective Council Areas on proposed actions being taken by state, federal and tribal agencies such as timber sales, land swaps and acquisitions, traffic studies, subdivision reviews, new parks, parks improvements, air quality standards and weed control; trail building projects within Missoula County, matching grants programs for local agencies, conservation resource assessment, streamside protection project and land use plans; public safety measures; air and water quality issues, solid waste hazards, community fire protection and crime.

Community Councils may engage participation in their Council Area through a variety of means.

- Newsletters, flyers or posters informing citizens of the proposed projects and the potential impacts on the Council Area.
- Question and answer forums or open houses with local representatives associated with proposed projects.
- Conducting surveys.
- Utilizing social media platforms for outreach and publishing materials on the Community Council website.
- Neighborhood walks and regular meetings.

### **What are the limitations of a Community Council?**

- Imposing its will on the citizens of the communities they serve.
- Levying taxes or asserting other governmental powers.
- Adopting planning policies or zoning regulations.
- Provide written comment advising tribal, state, federal or other entities on projects grants, or other policies. If a Community Council wishes to comment on any project or issues which are handled by state, federal, or tribal agencies, the Community Council must submit its request and comments to the County Commissioners, so that the County Commissioners can make the formal recommendation to the respective state, federal or tribal agency. However, and for informational purposes only, Community Councils are permitted to have informal communication with agencies outside of Missoula County and their respective Council Areas.
- Entering into contracts or agreements or apply and directly receive donations or grant funding. Community Councils are not formal legal entities and have no binding legal authority.
- Taking a position during an election on candidates, ballot initiatives and/or referenda.

- Taking positions on local, state and federal bills.
- Lobbying the Montana Legislature. As mentioned above, the process for Community Councils to express its opinion about legislative initiatives it to make recommendations to the County Commissioners. Receiving compensation. No Community Council or its Council may *not* receive any compensation for their service and serve in a strictly volunteer capacity.

### **What are the duties and responsibilities of a Community Council?**

- Facilitate communication with and among the boards that govern community infrastructure.
- Communicate regularly with the citizens of the community it represents through printed and/or social media, town meetings and any other approved means necessary to obtain the opinions, comments and suggestions regarding local issues.
- Provide a transparent and open public forum for citizens that facilitates an unbiased discussion of all sides of community issues.
- Follow and attend meetings of the County Commissioners and other Missoula County boards and commissions, as necessary and to remain informed on important community issues.
- Consult with Missoula County planning staff regarding growth policies, area and issue plans and developments, as well as the adoption or modification process and implementation of planning initiatives.
- Keep a record of all acts, meetings and monies received and disbursed by the Community Council.
- Follow Montana law and Missoula County policies, including but not limited to complying with open meeting and public records provisions when conducting Community Council activities.
- Prepare meeting agendas and minutes for distribution to the County Commissioners and recording with the Missoula County Clerk and Recorder's Office (Clerk and Recorder).
- Prepare an annual report summarizing the activities and expenditures of the Community Council during the previous year.

### **Do my taxes go up if there is a community council in my area?**

No, the Council Members are all volunteers from the community and do not receive any compensation for serving on the council.

### **Can Community Councils comment on issues outside of their Council Area?**

If a Community Council wishes to comment on any project or issues outside of its Council Area which are handled by state, federal, or tribal agencies, the Community Council must submit its request and comments to the County Commissioners, so that the County Commissioners can make the formal recommendation to the respective state, federal or tribal agency.

**Do Community Councils have funding?**

The County Commissioners ensure basic operational funding so that each Community Council begins the Fiscal Year with no less than \$1,000 in its operating budget.

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## **ADDITIONAL QUESTIONS OR COMMENTS**

If you have questions or need further clarification on any of the issues discussed in the Council Handbook or the Appendices to the Council Handbook, please contact the Missoula Board of County Commissioners (County Commissioners or Commissioners) by calling 406-258-4877 or emailing [bcc@missoulacounty.us](mailto:bcc@missoulacounty.us) or the LAC Office by calling 406-258-4657 or emailing [lac@missoulacounty.us](mailto:lac@missoulacounty.us).