

## APPENDIX A: EXAMPLES OF COMMUNITY COUNCIL PROJECTS AND ACTIONS

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### Provide Input and Formulate Recommendations to County, State and Federal Agencies

Write letters regarding proposed actions such as timber sales, land swaps, traffic studies, subdivision reviews, new parks, parks improvements, air quality standards, weed control. Community Councils must submit comment on the proposed actions of other governmental entities such as State and Federal agencies and the Confederated Salish and Kootenai Tribes to the Commissioners to make a formal recommendation to the relevant entity.

### Discuss and Initiate Projects

Examples:

- Trail projects
- Community communications program – to improve communications between various community boards and committees (e.g. fire, sewer, water, trails, parks, etc.) and other organizations
- Land use plans
- Parks program matching grants for community projects, and other County grant funded projects
- Public safety measures (with MDT, County Roads Department, Missoula County Sheriff's Office)
- Conservation resource assessments
- Work force housing
- Streamside protection
- Newsletters
- Assist in select land acquisitions by state, federal and private entities

### Provide a Forum for Discussing Community Issues

Examples:

- Question and answer session with the Forest Service District Ranger
- Review of a trail proposal up Highway 12
- Land use plan open houses and meetings
- Solid waste services
- Highway safety issues including speed, signage, and improvements.
- Air quality issues

### Participate in Land Use Planning

Initiating projects, reviewing plans, providing input on drafts, hosting public involvement

### Host Formal Presentations about Various Topics in the Community

- Air quality
- Water quality
- Proposed subdivisions
- Montana Legacy Project
- New regulatory programs
- Regional planning projects
- Road improvement and maintenance
- Crime
- Community fire protection

## APPENDIX B: MONTANA CODE ANNOTATED AS IT PERTAINS TO COMMUNITY COUNCILS

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This appendix includes sections of the Montana Code Annotated that may be of interest to community council members. Numerous other provisions of Montana Law may also be applicable, and various provisions included may not ever apply to a particular council or council member. Council members should address particular legal concerns to Community and Planning Services staff, who can in turn, also consult with the County Attorney's Office on behalf of community councils. Excerpted citations are in order as they appear in State law. Access to the entire Montana Code Annotated can be found at: [http://data.opi.mt.gov/bills/mca\\_toc/index.htm](http://data.opi.mt.gov/bills/mca_toc/index.htm).

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## CODE OF ETHICS

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 (7), use public time, facilities, equipment, 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) Except as provided in subsection (3)(b), a public officer or public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or

(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

(i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;

(ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

(4) (a) A candidate, as defined in 13-1-101(6)(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, 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

**2-2-104. 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.

### OPEN MEETINGS

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.

### PUBLIC RECORDS LAW

2-6-101. Definitions. (1) Writings are of two kinds:

(a) public; and

(b) private.

(2) Public writings are:

(a) the written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country, except records that are constitutionally protected from disclosure;

(b) public records, kept in this state, of private writings, including electronic mail, except as provided in 22-1-1103 and 22-3-807 and except for records that are constitutionally protected from disclosure.

(3) Public writings are divided into four classes:

(a) laws;

(b) judicial records;

(c) other official documents;

(d) public records, kept in this state, of private writings, including electronic mail.

(4) All other writings are private.

2-6-102. Citizens entitled to inspect and copy public writings. (1) Every citizen has a right to inspect and take a copy of any public writings of this state, except as provided in 22-1-1103, 22-3-807, or subsection (3) of this section and as otherwise expressly provided by statute.

(2) Every public officer having the custody of a public writing that a citizen has a right to inspect is bound to give the citizen on demand a certified copy of it, on payment of the legal fees for the copy, and the copy is admissible as evidence in like cases and with like effect as the original writing. The certified copy provision of this subsection does not apply to the public record of electronic mail provided in an electronic format.

(3) Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section. Information that is constitutionally protected from disclosure is information in which there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets, as defined in 30-14-402, and matters related to individual or public safety.

(4) A public officer may withhold from public scrutiny information relating to individual privacy or individual or public safety or security of public facilities, including jails, correctional facilities, private correctional facilities, and prisons, if release of the information may jeopardize the safety of facility personnel, the public, or inmates of a facility. Security features that may be protected under this section include but are not limited to architectural floor plans, blueprints, designs, drawings, building materials, alarms system plans, surveillance techniques, and facility staffing plans, including staff numbers and locations. A public officer may not withhold from public scrutiny any more information than is required to protect an individual privacy interest or safety or security interest.

**2-6-104. Records of officers open to public inspection.** Except as provided in 27-18-111 and 42-6-101, the public records and other matters, except records that are constitutionally protected from disclosure, in the office of any officer are at all times during office hours open to the inspection of any person.

### **LEGAL LIABILITY PROTECTION**

**2-9-103. Actions under invalid law or rule -- same as if valid -- when.** (1) If an officer, agent, or employee of a governmental entity acts in good faith, without malice or corruption, and under the authority of law and that law is subsequently declared invalid as in conflict with the constitution of Montana or the constitution of the United States, that officer, agent, or employee, any other officer, agent, or employee of the represented governmental entity, or the governmental entity is not civilly liable in any action in which the individuals or governmental entity would not have been liable if the law had been valid.

(2) If an officer, agent, or employee of a governmental entity acts in good faith, without malice or corruption, and under the authority of a duly promulgated rule or ordinance and that rule or ordinance is subsequently declared invalid, that officer, agent, or employee, any other officer, agent, or employee of the represented governmental entity, or the governmental entity is not civilly liable in any action in which liability would not attach if the rule or ordinance had been valid.

**2-9-108. Limitation on governmental liability for damages in tort.** (1) The state, a county, municipality, taxing district, or any other political subdivision of the state is not liable in tort action for damages suffered as a result of an act or omission of an officer, agent, or employee of that entity in excess of \$750,000 for each claim and \$1.5 million for each occurrence.

(2) The state, a county, municipality, taxing district, or any other political subdivision of the state is not liable in tort action for damages suffered as a result of negligence of an officer, agent, or employee of that entity by a person while the person was confined in or was otherwise in or on the premises of a correctional or detention institution or facility to serve a sentence imposed upon conviction of a criminal offense. The immunity granted by this subsection does not extend to serious bodily injury or death resulting from negligence or to damages resulting from medical malpractice, gross negligence, willful or wanton misconduct, or an intentional tort. This subsection does not create an exception from the dollar limitations provided for in subsection (1).

(3) An insurer is not liable for excess damages unless the insurer specifically agrees by written endorsement to provide coverage to the governmental agency involved in amounts in excess of a limitation stated in this section, in which case the insurer may not claim the benefits of the limitation specifically waived.

2-9-111. Immunity from suit for legislative acts and omissions. (1) As used in this section:

(a) the term "governmental entity" means only the state, counties, municipalities, school districts, and any other local government entity or local political subdivision vested with legislative power by statute;

(b) the term "legislative body" means only the legislature vested with legislative power by Article V of The Constitution of the State of Montana and that branch or portion of any other local governmental entity or local political subdivision empowered by law to consider and enact statutes, charters, ordinances, orders, rules, policies, resolutions, or resolves;

(c) (i) the term "legislative act" means:

(A) actions by a legislative body that result in creation of law or declaration of public policy;

(B) other actions of the legislature authorized by Article V of The Constitution of the State of Montana; or

(C) actions by a school board that result in adoption of school board policies pursuant to 20-3-323(1);

(ii) the term legislative act does not include administrative actions undertaken in the execution of a law or public policy.

(2) A governmental entity is immune from suit for a legislative act or omission by its legislative body, or any member or staff of the legislative body, engaged in legislative acts.

(3) Any member or staff of a legislative body is immune from suit for damages arising from the lawful discharge of an official duty associated with legislative acts of the legislative body.

(4) The acquisition of insurance coverage, including self-insurance or group self-insurance, by a governmental entity does not waive the immunity provided by this section.

(5) The immunity provided for in this section does not extend to:

(a) any tort committed by the use of a motor vehicle, aircraft, or other means of transportation; or

(b) any act or omission that results in or contributes to personal injury or property damage caused by contamination or other alteration of the physical, chemical, or biological properties of surface water or ground water, for which a cause of action exists in statutory or common law or at equity. This subsection (b) does not create a separate or new cause of action.

2-9-305. Immunization, defense, and indemnification of employees. (1) It is the purpose of this section to provide for the immunization, defense, and indemnification of public officers and employees civilly sued for their actions taken within the course and scope of their employment.

(2) In any noncriminal action brought against any employee of a state, county, city, town, or other governmental entity for a negligent act, error, or omission, including alleged violations of civil rights pursuant to 42 U.S.C. 1983, or other actionable conduct of the employee committed while acting within the course and scope of the employee's office or employment, the governmental entity employer, except as provided in subsection (6), shall defend the action on behalf of the employee and indemnify the employee.

(3) Upon receiving service of a summons and complaint in a noncriminal action against an employee, the employee shall give written notice to the employee's supervisor requesting that a defense to the action be provided by the governmental entity employer. If the employee is an elected state official or other employee who does not have a supervisor, the employee shall give notice of the action to the legal officer or agency of the governmental entity defending the entity in legal actions of that type. Except as provided in subsection (6), the employer shall offer a defense to the action on behalf of the employee. The defense may consist of a defense provided directly by the employer. The employer shall notify the employee, within 15 days after receipt of notice, whether a direct defense will be provided. If the employer refuses or is unable to provide a direct defense, the defendant employee may retain

other counsel. Except as provided in subsection (6), the employer shall pay all expenses relating to the retained defense and pay any judgment for damages entered in the action that may be otherwise payable under this section.

(4) In any noncriminal action in which a governmental entity employee is a party defendant, the employee must be indemnified by the employer for any money judgments or legal expenses, including attorney fees either incurred by the employee or awarded to the claimant, or both, to which the employee may be subject as a result of the suit unless the employee's conduct falls within the exclusions provided in subsection (6).

(5) Recovery against a governmental entity under the provisions of parts 1 through 3 of this chapter constitutes a complete bar to any action or recovery of damages by the claimant, by reason of the same subject matter, against the employee whose negligence or wrongful act, error, omission, or other actionable conduct gave rise to the claim. In an action against a governmental entity, the employee whose conduct gave rise to the suit is immune from liability by reasons of the same subject matter if the governmental entity acknowledges or is bound by a judicial determination that the conduct upon which the claim is brought arises out of the course and scope of the employee's employment, unless the claim constitutes an exclusion provided in subsections (6)(b) through (6)(d).

(6) In a noncriminal action in which a governmental entity employee is a party defendant, the employee may not be defended or indemnified by the employer for any money judgments or legal expenses, including attorney fees, to which the employee may be subject as a result of the suit if a judicial determination is made that:

(a) the conduct upon which the claim is based constitutes oppression, fraud, or malice or for any other reason does not arise out of the course and scope of the employee's employment;

(b) the conduct of the employee constitutes a criminal offense as defined in Title 45, chapters 4 through 7;

(c) the employee compromised or settled the claim without the consent of the government entity employer;

or

(d) the employee failed or refused to cooperate reasonably in the defense of the case.

(7) If a judicial determination has not been made applying the exclusions provided in subsection (6), the governmental entity employer may determine whether those exclusions apply. However, if there is a dispute as to whether the exclusions of subsection (6) apply and the governmental entity employer concludes that it should clarify its obligation to the employee arising under this section by commencing a declaratory judgment action or other legal action, the employer is obligated to provide a defense or assume the cost of the defense of the employee until a final judgment is rendered in that action holding that the employer did not have an obligation to defend the employee. The governmental entity employer does not have an obligation to provide a defense to the employee in a declaratory judgment action or other legal action brought against the employee by the employer under this subsection.

**2-9-701. County officers and employees to be bonded.** (1) All elected and appointed county officers and employees must be bonded for the faithful performance of all official duties required by law.

(2) A bond may cover an individual officer or employee, or a blanket bond may cover all officers and employees or any group or combination of county officers and employees.

**2-9-703. Purchase.** (1) The board of county commissioners shall purchase all surety bonds for county officers and employees.

(2) Bonds purchased by the board of county commissioners must be executed by responsible insurance or surety companies authorized and admitted to execute surety bonds in this state or by a self-insurance pool insuring counties as authorized by 2-9-211.

### **GENERAL BOARD GUIDELINES**

**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 board, district, 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, district, or commission may be assigned responsibility for a department or service district.

(b) An administrative board, district, or 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;

(ii) administer programs, establish policy, and adopt administrative and procedural rules.

(c) The resolution creating an administrative board, district, or commission must grant the board, district, 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, district, or commission may employ personnel to assist in its functions.

(3) (a) Administrative boards, districts, and commissions may be made elective.

(b) If an administrative board is made elective and if the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election in accordance with 13-1-304. A position for which there were no nominees must be filled by appointment by the county commissioners for the same term as if the position were filled by election. If there is only one nominee for a position, the nominee may be declared elected by acclamation.

(4) Administrative boards, districts, and commissions may not sue or be sued independently of the local government unless authorized by state law.

(5) 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.

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

(a) the name of the board, district, or commission;

(b) the date of appointment and confirmation, if any is required;

(c) the length of term;

(d) the name and term of the presiding officer and other officers of each administrative board, district, or commission; and

(e) the date, time, and place of regularly scheduled meetings.

(7) Terms of all members, except elected members, may not exceed 4 years. Unless otherwise provided by resolution, members shall serve terms beginning on July 1 and shall serve at the pleasure of the county commissioners.

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

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

(10) Two or more local governments may provide for joint boards, districts, or commissions to be established by interlocal agreements.

(11) 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.

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

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

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

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

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

(17) 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..

#### **AUTHORITY FOR FORMING COMMUNITY COUNCILS**

**7-3-516. Size of commission and community councils.** The size of the commission, which shall be a number not less than five, 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.

**7-3-517. Terms of elected officials.** The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

#### **ELECTIONS**

**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, 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) "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.

(7) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

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

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

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

(iv) filing fees paid by the candidate.

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

(9) "Election administrator" means 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.

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

(11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

(ii) payments by a candidate for a filing fee or 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, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

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

(12) "Federal election" means a general or primary election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(13) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(14) "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.

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

(16) "Individual" means a human being.

(17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a 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 upon 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.

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

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

(20) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

(21) "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.

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

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

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

(c) as an earmarked contribution.

(23) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

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

(25) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

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

(27) "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.

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

(29) "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.

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

(31) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

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

(33) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

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

(35) "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.

(36) "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.

**13-1-108. Notice of special elections.** Notice of any special election must be broadcast or published at least three times in the 4 weeks immediately preceding the election in a newspaper of general circulation in the jurisdiction where the election will be held or may be broadcast on radio or television as provided in 2-3-105 through 2-3-107 using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this section are fulfilled upon the third publication or broadcast of the notice.

**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.

## APPENDIX C: MISSOULA COUNTY PROCEDURES FOR COUNCIL MEMBER ELECTIONS AND FREQUENTLY ASKED QUESTIONS

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### Missoula County Procedures for Council Member Elections

#### **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. Typically, Community Councils in Missoula County have five members.

#### **Would it be possible to have the first round of members elected on some later ballot instead of appointed?**

Yes. If the community prefers to wait until the next election to establish membership through a vote, the Elections Office will organize an election at a later date.

#### **What criteria would the Board of County Commissioners (BCC) use in making their appointments? Would they hold interviews?**

The BCC would likely hold interviews. Appointments are typically based on commitment to the community and area residents, experience, and willingness to participate in public meetings, hearings, and other public gatherings.

#### **Is there a due date for member applications if the voters approve the formation of a Community Council?**

Once the voters approve the formation of a Community Council, the BCC would publicize the application process and set a due date for applications. In addition to advertising in the newspaper, openings are posted on the Community and Planning Services website ([www.co.missoula.mt.us/mccaps/communitycouncils.htm](http://www.co.missoula.mt.us/mccaps/communitycouncils.htm)).

#### **Can people be appointed to the Community Council without elections if there are fewer candidates than open seats?**

Yes. 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 can be cancelled and the candidates can be elected by acclamation. If there are not enough candidates to fill the open positions, the BCC can cancel the election and appoint Council members.

#### **More information on the terms of Community Council members:**

Upon creation, the terms of Community Council members are established on a staggered basis of one, two, or three years. This is done to ensure that an entire Community Council is not replaced at once, thus maintaining a balance of experienced and new members. The Commissioners strongly encourage Council members to serve their entire term. After the initial terms, all member terms are three years, with the chance of being re-elected to two more terms for a maximum total term of 9 years (per BCC Resolution 2008-155 found in Appendix H). Partial terms will not count against the term limit. Elected Community Council member terms expire on May 31<sup>st</sup> and begin on June 1<sup>st</sup> of a given calendar year. Appointed Community Council members' terms begin as assigned by the Board of County Commissioners. Council members are appointed by the Commissioners when a Council member resigns midterm or they may be appointed upon creation of the Community Council if the community chooses not to wait until the next election instead.

#### **Guidelines for write-in candidates:**

Write-ins are tallied if a candidate files a declaration of write in with the Clerk and Recorder's Office. This is set in MCA 13-10-211. The declaration has to be filed 10 days prior to the date absentee ballots are to be made available. The other instance when write-ins are counted is when no candidates file for a position.

## Frequently Asked Questions

CAPS staff has prepared this document to answer common questions that arise when a community is looking into establishing a Community Council. The questions are organized into the following categories:

- General Community Council Information
- Start-Up Information
- Electing Council Members
- Community Council Operations
- Roles of a Community Council

If you have further questions or are interested in beginning the process to establish a Community Council in your area, please contact us at 258-4657 or caps@co.missoula.mt.us.

### GENERAL COMMUNITY COUNCIL INFORMATION:

#### 1. What is a Community Council and what is its purpose?

A Community Council is an elected group that can provide focus, continuity, and leadership to a community or area. A Community Council's purpose is to provide information to the citizens 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.

A Community Council establishes an official communication link between their community and the Missoula Board of County Commissioners (Commissioners or BCC); other local, county, state, federal and tribal government agencies; and with all other entities or individuals regarding matters of concern to the citizens and landowners of the Council area. To comment on projects or other issues of concern for upper levels of government (state and federal agencies and the Confederated Salish and Kootenai Tribes), Councils should submit a request to the Commissioners to make a formal recommendation on behalf of the Council. This communication is intended to advance and promote the interests and welfare of the citizens and landowners of the Council area.

Councils can recommend the creation of additional governance tools as needed such as business or special improvement districts and multi-jurisdictional districts, and they provide a framework to apply for and receive grants and loans.

Typically, a Community Council is provided \$1,000 annually to pay for operating expenses.

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

Community Councils have the duty and responsibility to:

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



- Submit an annual written report to the County concerning its activities during the previous year and a budget proposal.
  - Follow Montana law and Missoula County policies, both in letter and in spirit.
3. **Does a Community Council have the power to levy taxes?**  
No. Community Councils do not have the power to levy taxes and have no binding legal authority. Community Councils serve in an advisory capacity only per Montana Code Annotated (MCA) 7-3-223, 7-3-317, 7-3-417, and 7-3-516.
  4. **Can a Community Council plan or zone an area?**  
Community Councils do not have the authority to adopt planning policy or zoning regulations. Community Councils can be involved in initiating and/or guiding planning and zoning processes as an advisory body.
  5. **Are there currently Community Councils in Missoula County?**  
Currently, there are 7 Community Councils in Missoula County. They are the Seeley Lake, Lolo, Bonner-Milltown, East Missoula, Swan Valley, West Valley and Evaro-Finley-O'Keefe Community Councils.

**START-UP INFORMATION (See Appendix I for more information):**

**6. How do you start a Community Council?**

CAPS staff guides interested citizens through the process of establishing a Community Council. After an informational meeting with CAPS, the first step is for citizens to gather support in their community or area by submitting a petition to the BCC. If sufficient interest is shown, the BCC will host a meeting in the community to answer questions about Community Councils.

After the informational meeting, the Commissioners will hold a public hearing to determine whether or not there is enough interest in adding the question of establishing a Community Council to the ballot. At the hearing, the Commissioners will take comment on the need for a Community Council, the proposed boundaries, the number of members, whether or not to appoint the Council's first members, and other matters regarding the establishment of a Community Council.

If support is shown from a broad spectrum of the community and the proposed ballot language reflects the public input and interest, the Commissioners will pass a resolution to add the question of whether or not to establish a Community Council on an upcoming ballot.

Councils are elected from within the voting district or authorized by ordinance (MCA 7-3-516). A Council will be created if there is a majority of valid votes in favor of the Council's formation.

**7. How are Community Council boundaries established?**

Council boundaries typically follow existing political boundaries. For instance, the boundaries of the Lolo, Bonner-Milltown, Seeley Lake and Swan Valley Community Councils coincide with local school districts; the boundary of the East Missoula Community Council follows the East Missoula Sewer District; the West Valley Community Council coincides with voting precincts 34, 35, 36, 37 and 38; and the Evaro-Finley-O'Keefe coincides with voting precincts 39, 40, 41 and 42.

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. If an area or neighborhood desires to be added to an existing Community Council or moved from one Council to another so that its interests are better represented, there is a process to do so.

**8. Can Community Councils comment on issues outside of their boundary?**

Community Councils are advisory in nature; therefore, they are able to submit comments to the County on issues that originate outside of their boundary, especially if it has potential to have impact in the Council area.

9. Do the costs for Community Council member elections come out of the \$1000 Community Council budget?

No.

10. Would the cost of holding an election stand in the way of holding Community Council elections?

No.

#### ELECTING COUNCIL MEMBERS:

11. 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. Typically, Community Councils in Missoula County have five members.

The term of office of elected officials may not exceed four years and shall be established when the form is adopted by the voters (MCA 7-3-323, 7-3-317, 7-3-516).

12. Would it be possible to have the first round of members elected instead of appointed on some later ballot?

The BCC has an established procedure whereby they appoint members for initial terms and the appointees are replaced by election as their terms expire. If a community wishes to vary from that procedure, the BCC can be asked to do something different.

13. What criteria would the BCC use in making their appointments? Would they hold interviews?

The BCC would likely hold interviews. Appointments are typically based on commitment, experience, and willingness to participate in public meetings, hearings, and other public gatherings.

14. Is there a due date for member applications if the voters approve the formation of a Community Council?

If the voters approve the formation of a Community Council, the BCC would publicize the application process and set a due date for applications.

15. Can people be appointed to the Community Council without elections if there are fewer candidates than open seats?

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 can be cancelled and the candidates can be elected by acclamation. If there are not enough candidates to fill the open positions, the BCC can cancel the election and elect Council members by acclamation.

#### COMMUNITY COUNCIL OPERATIONS:

16. Who ensures that by-laws are followed?

The by-laws are approved by the Board of County Commissioners and the Community Council is responsible for following the adopted by-laws.

17. During subdivision review, does a Community Council meeting replace the requirement for neighborhood meetings?

No, a noticed neighborhood meeting is still required. In areas with Community Councils, sometimes the neighborhood meeting occurs during a Community Council meeting.

18. Can a Community Council apply for and receive grant funding?

No. However, since Councils are not independent entities, they may partner with a County agency on grant projects. See pages 23 and 27 for more information.

APPENDIX D: MISSOULA COUNTY MEMOS\* PERTAINING TO COMMUNITY COUNCILS

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<u>MEMO TITLE and/or SUBJECT</u>	<u>PAGE</u>
Public Participation at meetings	D2
Threats of Personal Liability	D5
Seeley Lake Community Council & Council Recommendations	D7
Authority of Community Councils	D9
Guidance to Community Councils for Holding a “Meet the Candidate Forum”	D12

*\*Please note these memos were written before the Community and Planning Services (CAPS) Office was established. All of the memos are relevant.*



[www.co.missoula.mt.us /rural](http://www.co.missoula.mt.us/rural)

MISSOULA COUNTY RURAL INITIATIVES  
200 West Broadway Street  
Missoula, Montana 59802-4292

OFFICE LOCATION: 317 Woody Street  
PHONE: 406.258.3432  
FAX: 406.258.3920  
[ri@co.missoula.mt.us](mailto:ri@co.missoula.mt.us)

## **Guidance to Missoula County Community Councils for holding a “Meet the Candidate Forum” or similar events**

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

1) Invite all candidates running for a particular office. For example, if one candidate running for the State House of Representatives is invited, all other candidates running for that office must be invited as well. A candidate may or may not choose to attend the forum, but he/she must be invited. Please note that not every elected office must be included in your forum, meaning that the Council could choose to invite candidates for the House of Representatives but not those for the State Senate.

2) The forum needs to be set up in a way that each candidate has an equal amount of time to talk and share his/her perspectives. For example, each candidate can be given three minutes to introduce him or herself and explain why he/she is running for office. If a question is asked by the audience or event moderator, each candidate should be given the same amount of time to answer the question.

3) Be very clear about the event format to the audience. For example, if the event is intended as a time to meet candidates, make it clear that this is the purpose of the event. In some cases it might be best to also clarify what the event is not, such as a meet the candidate forum is not a debate between candidates. If the audience is allowed to ask questions, be clear that each candidate will be given the same amount of time to answer the question.

4) Clarify the role of the audience. For example, if questions are to be pre-arranged, the Council may want to offer community members the opportunity to participate in drafting the questions. If the audience will be able to pose questions at the event, the Council may want to clarify how questions will be taken, such as orally, in writing through a moderator, etc.

### Other considerations:

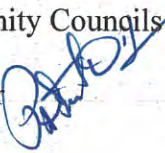
- It can be very helpful to have a neutral, third party moderator run the event. This person can help keep the event on track and serve to control the meeting such as preventing an audience member or candidate from taking more than their fair share of time and preventing unwanted debate between candidates or between a candidate and an audience member.
- The Council and community members may want to prepare a set of questions ahead of time to help ensure that issues addressed during the event are of particular interest to the community.
- It might be preferable to have the audience write down their questions and deliver them to a moderator to read to the candidates. This type of approach can help to avoid grandstanding.

If a Community Council decides to hold a forum, please keep in mind that the meeting must also comply with Missoula County policies regarding public meetings and with the Montana Open Meeting law. This includes posting notice of the meeting, having an agenda, keeping minutes, etc. Of course, these policies only address the minimum requirements for meeting notice and Community Councils are encouraged to be creative about how to “get the word out” about such an event in order to maximize participation.

Please contact us if you have questions at 258-3432 or [ri@co.missoula.mt.us](mailto:ri@co.missoula.mt.us)

## Memorandum

**TO:** Missoula County Community Councils

**FROM:** Patrick O'Herren, Director 

**DATE:** January 25, 2012

**RE:** Authority of Community Councils

As you know, the Board of County Commissioners greatly appreciates the difficult and often controversial work that Community Council members voluntarily provide to their communities and to the Commissioners. The comments you direct to Missoula County help the Commissioners make decisions on various projects and keep them informed about important issues facing rural communities.

Missoula County has heard over the past several months that there is a need for "clarification" of the authority and ability of Councils to address issues raised by agencies other than Missoula County. The Missoula County Attorney's Office has addressed this issue several times, but recently provided additional clarification. Attached is a memo from Deputy County Attorney James McCubbin, which addresses a specific issue in the Seeley Lake area, but it is applicable to all Community Councils.

In addition, at the request of Council members, two additional questions were asked of Mr. McCubbin:

1. Are Community Councils only advisory to the County Commissioners, and have no authority to advise tribal, state, federal or other entities on projects, grants, policies, etc.?
2. If Community Councils wish to comment on any project, be it county, tribal, state, federal or other, is it correct that they are limited to providing those comments to the County Commissioners, who may then advise the other entities accordingly?

Mr. McCubbin's response to both questions was "yes." In addition, he added: "Community Councils are advisory boards of the County, meaning they are advisory to the County Commissioners. Community Councils should not directly comment to other agencies, but should rather provide recommended comments to the County Commissioners."



I want to reiterate that the comments and insights Community Councils provide to the Board of County Commissioners on state, federal and other such projects and programs can be invaluable. It is especially useful when a Community Council provides in their comments information about the range of issues and opportunities associated with projects and programs, instead of only providing a recommended action. It is also much appreciated when a Council can give the Commissioners a sense of how widespread opinion may be in the community on a particular topic or issue.

In all cases, this brings up the importance of making sure that agendas and minutes of all Community Councils and their associated sub-committees are posted on the Rural Initiatives website and in the appropriate locations for your various communities. Posting this information provides Missoula County with background about the concerns and interests raised in your community discussions, and furthermore, it can help maximize public involvement in your discussions.

Given the information I have provided, particularly regarding the role and authority of Community Councils, it is apparent that some Community Council by-laws may need to be amended. Staff will work with you to begin that amendment process later this year.

Again, on behalf of all County departments and the County Commissioners, thank you for your devotion to your communities. I hope the above information helps provide clarity to several issues and I would be happy to provide further information if desired.

If you have further questions, please contact me at your convenience.

Thank you.


CC: Board of County Commissioners

Attachment



## MEMORANDUM

TO: Pat O'Herren, Rural Initiatives

FROM: D. James McCubbin, Deputy County Attorney 

DATE: Friday, January 06, 2012

RE: Seeley Lake Community Council

Pat, I am writing in response to your enquiry regarding the extent and nature of the duties and powers of the Seeley Lake Community Council. In particular, I understand that some members of the Community Council are interested in the Council joining as a party or as amicus in litigation that has been brought against the U.S. Forest Service and U.S. Fish and Wildlife Service with respect to the Colt Summit Project.

The Seeley Lake Community Council is a strictly advisory board, existing at the discretion of the Board of County Commissioners. The Seeley Lake Community Council is not an independent legal entity. As such, the Seeley Lake Community Council does not have the capacity to sue or be sued, nor to join in other parties' litigation, independently from Missoula County.

The By-Laws of the Seeley Lake Community Council itself clearly identifies the Council as solely advisory in nature. Article IV, "Duties and Responsibilities," provides:

- "The Council shall have the duty and responsibility to:
- A. Serve in a purely advisory capacity with no power to levy taxes or to impose its will on the citizens of the Seeley Lake Community."

Furthermore, Missoula County is a general powers county, with only those powers provided or implied by law. I am unaware of any law that provides or implies that a general powers county in Montana has the legal ability to establish independent sub-units of government.

I understand that some of the language in the purpose clause of the Council's By-Laws has been read to imply that because the Council is to "serve as a channel of communications" among various agencies, that this should permit the Council to become independently involved in the Colt Summit litigation. However, this role must be read in the context of the provisions of the By-Laws, and the inability of the County to create an independent sub-unit of government, as discussed above. Nor is the language of purpose for enabling communication inconsistent with the Council's role as an advisory board; rather it simply means that those coordinated communications then need to be passed to the County Commissioners along with any recommendations the Council may have.

DJM







October 6, 2008

COPY

Richard Reep, Attorney  
Reep & Bell, P.C.  
2687 Palmer St, Ste D  
P.O. Box 16960  
Missoula, MT 59808

Re: Seeley Lake Community Council

Dear Rick,

The Community Councils are formed after the residents in the area where a Community Council is desired petition the Commissioners to create a Community Council. While there is no specific standard for such petitions, the Commissioners have required in the past a showing, by petition, of substantial support for the Community Council. When there is demonstrated interest the Commissioners notice and then conduct a hearing on the question of submitting the creation of the requested Community Council to the electors. If approved by the electors, the initial Community Council is appointed and then elected thereafter at the school elections in May. To date there has been no petition showing any substantial interest in creating a Community Council for the Greenough area.

With regard to "representation" on the Seeley Lake Community Council, I would note that your client, John Richards, is a resident of Seeley Lake and hence fully eligible to run for election to the Community Council.

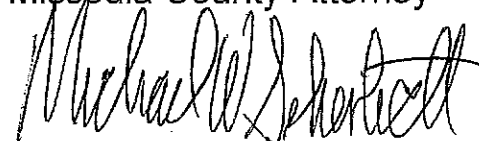
The concern that recommendations by the Seeley Lake Community for planning and zoning for areas outside the Seeley Lake Community some how violates the rights of property owners in these areas fails to recognize that the recommendation is just that; a recommendation.

Once the recommendation is made there will be hearings before both the Planning Board and the Board of County Commissioners. Both the Planning Board and Board of County Commissioners may, and if past experience is any guide, will make amendments to any proposal put forward by the Community Council.

To suggest that the Seeley Lake Community Council can not make recommendations for any area adjoining but outside the Seeley Lake Community is like saying a homeowner can not comment on the zoning of property across the street because the homeowner is not in the zoning district. While the property owner may not have standing to protest a zoning decision, the homeowner certainly has the right to comment on and recommend zoning for adjoining property.

Sincerely,

FRED VAN VALKENBURG  
Misspula County Attorney



Michael W. Sehestedt  
Deputy County Attorney

cc: BCC  
Rural Initiatives

MWS:sjs



October 3, 2008

Pat O'Herren, Director  
Rural Initiatives  
Missoula County

Re: Threats of Personal Liability

Dear Pat;

It is my understanding that certain individuals are attempting to influence the recommendations of the Seeley Lake Community Council by threatening to sue the Community Council members individually if the Councils' recommendations do not meet with the threatening individuals' approval.

The threat of personal liability for recommendations made by the Community Council is utterly without basis. Any legal claim against the members personally merely because the members made a recommendation, which is all that the council can do, would likely subject both Plaintiff and Plaintiff's attorney to sanctions under Rule 11 of the Montana Rules of Civil Procedure as a frivolous lawsuit.

In any event, because the Seeley Lake Community Council was created by Missoula County the members are entitled to defense and indemnification by Missoula County for any claim made against them for actions taken as a member of the Community Council.

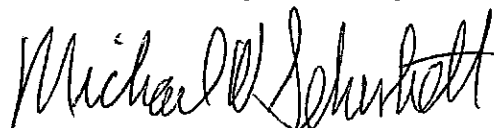
What this means in practical terms is that in the unlikely event council members are sued, whether individually or in their official capacity, all the member needs to do is give notice of the suit to Missoula County (I would recommend getting a copy of the summons and complaint to the Commissioners as soon as possible) and the County is then responsible for both the cost of defending the suit and for any judgment that might be entered in the action.

I have attached a copy of Section 2-9-305 MCA, which spells out this obligation in detail.

I hope this answers any concerns that the threats of litigation may have raised with Council members.

Sincerely,

FRED VAN VALKENBURG  
Missoula County Attorney

A handwritten signature in black ink, appearing to read "Michael W. Sehestedt". The signature is written in a cursive style with a large, stylized initial "M".

Michael W. Sehestedt  
Deputy County Attorney


MWS:sjs



## MEMORANDUM

TO: Missoula County Community Councils

CC: Board of County Commissioners

FROM: D. James McCubbin, Deputy County Attorney 

DATE: Thursday, May 08, 2008

RE: Public Participation at meetings

It has come to the attention of this office that some Missoula County Community Councils are not consistently allowing for public comment at all community council meetings. This memorandum is written to provide information about legal requirements for allowing public participation, and to strongly encourage all community councils to provide an opportunity for public comment at every meeting.

The Montana Constitution, Article II, Section 8, expressly provides for the right of public participation in government affairs. The Legislature has clarified this right in the Montana Code Annotated, at Title 2, Chapter 3. MCA §2-3-103 sets forth particular requirements for allowance of public participation. These include the requirement that all agencies of state and local government must develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. Furthermore, the procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public.

In addition to the legal requirements for permitting and encouraging public participation on any matters on the agenda for a meeting, in 2003 the Legislature added further requirements for open public comment. The law now requires that there must also be an allowance for open public comment at all public meetings, so that members of the public may bring matters to the attention of the public agency which are not otherwise on the agenda.

It may be further noted that the primary purpose of community councils is to provide recommendations to the County Commissioners based upon the preferences of local residents. It is difficult to see how a community council can relay the voice of the local populace if it excludes public participation at any of its meetings.

For the foregoing reasons, we advise all community councils to consistently allow for public participation and comments at every meeting of each council, both for each agenda item, and through open public comment.

**From:** James McCubbin  
**To:** Bickell, Dale; Heil, Nancy; Hughes, Karen; Millar, Roger; O'Herren, Pat  
**CC:** Brownlow, Dori; McClain, Martha; Sohlberg, Cathleen  
**Date:** 9/28/2009 1:17 PM  
**Subject:** use of web sites by county boards  
**Attachments:** D James McCubbin.vcf

"The Lakeside Neighborhood Planning Committee already had produced a draft plan after nearly two years of work sessions and public meetings when a group of property-rights advocates called into question a members-only Yahoo Web site the committee used to conduct business as the Lakeside planning process progressed.

[Deputy County Attorney Jonathan] Smith ordered that the Web site be opened to the public and all documentation associated with the site be made public."

I am in agreement with Jon Smith that any communications among a county-sanctioned board through a web site should be open to the public. I recommend that any web sites, blogs, or chat rooms used by the county or any county boards should be open for public view from their inception. In addition, if any web site enables live communication among its members, then its use could constitute a public meeting for which proper notice may be required. There is certainly a broad range of internet communication that may or may not be considered "live communication." When in doubt, I recommend defaulting to more notice and more openness, because Montana law is very broad on these issues, and has been interpreted as such by the Montana Supreme Court.

=====  
D. James McCubbin  
Deputy County Attorney  
Office of the Missoula County Attorney  
200 W. Broadway  
Missoula, MT 59802  
Phone: (406) 258-4779  
Fax: (406) 258-3979  
jmccubbin@co.missoula.mt.us

>>>

**From:** Pat O'Herren  
**To:** James McCubbin; Karen Hughes; Nancy Heil  
**CC:** Dale Bickell  
**Date:** 9/23/2009 10:16 AM  
**Subject:** Flathead planning/legal issues (two articles)  
Print ( [http://www.dailyinterlake.com/articles/2009/09/23/news/local\\_montana/news\\_8746317536\\_03.prt](http://www.dailyinterlake.com/articles/2009/09/23/news/local_montana/news_8746317536_03.prt) )  
| E-mail ( [http://www.dailyinterlake.com/articles/2009/09/23/news/local\\_montana/news\\_8746317536\\_03.eml](http://www.dailyinterlake.com/articles/2009/09/23/news/local_montana/news_8746317536_03.eml) ) | Text Size

Clarity sought in neighborhood planning By LYNNETTE HINTZE/Daily Inter Lake  
Published: Wednesday, September 23, 2009 12:13 AM CDT

Somers plan remains on hold

A more detailed explanation of how to begin a county-sanctioned neighborhood plan will be considered by the Flathead County Planning Board at its Oct. 14 meeting.

The draft is the outcome of several work sessions over language in the growth policy that had been deemed confusing and nebulous by both the public and some Planning Board members. At issue was a sentence in the growth policy stipulating that "a clear majority" of landowners and residents desiring a neighborhood plan could take steps to develop a plan.

"It's not a whole lot different" than what's in the growth policy right now, but the rewrite does clarify a couple of the steps, Planning Director Jeff Harris said. Specifically, the proposal states that if three or more landowners from a neighborhood formally request the Planning Office to hold publicly advertised informational meetings, "that's enough for staff to become involved," Harris said.

The Planning Office will attempt to mail notices to all property owners in the plan area to inform them of initial meetings. Then, if there's enough interest, tentative boundaries may be drawn, Harris said.

The proposal further stipulates that organizers should collect signatures from owners of at least 10 percent of the property within the suggested boundaries and give the petitions to the Planning Office. The 10 percent benchmark triggers the distinction between the informational meetings and moving forward with the planning process, Harris explained.

Ultimately the neighborhood plan must receive broader support. This can be done by having at least half the property owners within the designated area sign a petition, or by having the Planning Office poll neighbors by mailing ballots to all landowners within the area. Sixty percent of respondents must be in favor of the plan, with a minimum of 30 percent responding.

A PROPOSED Somers Neighborhood Plan is on hold until the planning process is clarified, Harris said.

The "clear majority" issue was the crux of controversy surrounding the Somers planning effort and also was used to snuff out an Evergreen neighborhood planning effort earlier this year before it got off the ground.

In June, a meeting of Somers-area property owners — aimed at explaining how the neighborhood planning process works — was shut down and the Sheriff's Office was called when audience members became unruly.

The question asked at the Somers meeting was: "Who gave the county planning office the authority to conduct informational meetings before a majority of landowner support was documented?"

The Planning Board subsequently agreed to tackle a rewrite of the neighborhood plan steps in the growth policy. The county commissioners will have the final say on the rewrite.

Lakeside plan advances despite suit By LYNNETTE HINTZE/Daily Inter LakePublished: Wednesday, September 23, 2009 12:14 AM CDT

#### Planning Board sets Oct. 7 workshop

An update of the 1994 Lakeside Neighborhood Plan is moving forward in the shadow of a lawsuit that could stymie the community's planning effort.

The Flathead County Planning Board will hold a public workshop on Oct. 7 to consider a draft of the updated Lakeside plan that won unanimous support in July from the Lakeside Community Council. The workshop is a precursor to the board's required public hearing on the plan and the county commissioners' ultimate decision.

But on Oct. 2, Flathead District Judge Stewart Stadler will hold a show-cause hearing to consider a preliminary injunction involving the Lakeside plan sought by a group of property owners who have sued the county, challenging the neighborhood planning process and alleging violations of open meeting laws.





# Parliamentary Procedures

To Do This:	You Say This:	May you interrupt the speaker?	Do you need a second?	Is it debatable ?	Can it be amended?	What Vote is needed?	Can it be reconsidered?
Adjourn Meeting	I move that we adjourn	No	Yes	No	No	Majority	No
Call an Intermission	I move that we recess for.	No	Yes	No	Yes	Majority	No
*Complain about Heat, Noise, etc.	I rise to a question of privilege	Yes	No	No	No	No Vote	No Usually
Suspend Further consideration of an Issue	I move we table the motion	No	Yes	No	No	Majority	No
End Debate and Amendments	I move the previous question	No	Yes	No	No	2/3	①No
Postpone Discussion for a Certain Time	I move to postpone the discussion until.	No	Yes	Yes	Yes	Majority	Yes
Give Closer Study of Something	I move to refer the matter to the committee	No	Yes	Yes	Yes	Majority	②Yes
Amend a Motion	I move to amend the motion by.	No	Yes	③Yes	Yes	Majority	Yes
Introduce Business	I move that.	No	Yes	Yes	Yes	Majority	Yes

The motions listed above are in order of precedence...below there is no order...							
*Protest Breach of Rules or Conduct	I rise to a point of order	Yes	No	No	No	④No Vote	No
Vote on a Ruling of the Chairman	I appeal the chair's decision	Yes	Yes	Yes	No	⑤Majority	Yes
Suspend Rules Temporarily	I move to suspend the rules so that.	No	Yes	No	No	2/3	No
Avoid Considering an Improper Matter	I object to consideration of this motion	Yes	No	No	No	⑥2/3	⑦-
Verify a Voice Vote - Members Stand	I call for a division - or - Division!	Yes	No	No	No	No Vote	No
*Request Information	Point of Information	Yes	No	No	No	No Vote	No
Take up a Matter Previously Tables	I move to take from the table	No	Yes	No	No	Majority	No
Reconsider a Hasty Action	I move to reconsider the vote on	Yes	Yes	⑧-	No	Majority	No

### Notes

- \* May go the head of line at microphone-do not need a motion
- ①Unless vote on question is not yet taken.
- ②Unless the committee has already taken up the subject.
- ③Only if the motion to be amended is debatable.
- ④Except in doubtful cases.
- ⑤A majority vote in negative needed to reverse ruling of the chair.
- ⑥A 2/3 vote in negative needed to prevent consideration of main motion.
- ⑦Only if the main question or motion was not, in fact, considered.
- ⑧Only if the motion to be reconsidered is debatable.



**APPENDIX F: RESOLUTIONS GOVERNING COMMUNITY COUNCILS AND SAMPLE BYLAWS**

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## RESOLUTION NO. 2008-155

### GENERAL GUIDELINES ON THE BYLAWS FOR, AND THE APPOINTMENT TO, COUNTY BOARDS, COUNCILS, COMMISSIONS AND AUTHORITIES (GENERALLY REFERRED TO AS "BOARDS") BY THE BOARD OF COUNTY COMMISSIONERS (THE "COMMISSION")

Volunteers are extremely important to the success of local governments. Volunteer board members contribute thousands of hours to the benefit of the citizens of Missoula County.

In order to broaden the opportunity for citizens to serve and to understand their duties and responsibilities, the Board of County Commissioners desires to update and clarify its practices in regard to the appointment of County Boards, and to clarify necessary provisions of Boards' Bylaws.

Unless interlocal agreements, statutory requirements and exceptions, or other special conditions are relevant to a particular Board; and in those cases where a Board's Bylaws are silent on a particular subject, this Resolution and the guidelines contained herein shall control.

Section 1: Bylaws. Each Board will develop and keep current a set of Bylaws to guide the conduct of its business. All Bylaws and amendments thereto shall be approved by the Commission before taking effect.

Section 2: Authority. The Authority by which the Commission establishes and appoints each Board will be articulated in the organization's Bylaws and provided to each Board member.

Section 3: General Powers and Duties. Unless otherwise provided by statute, the General Powers and Duties of the Board will be articulated in the Bylaws and provided to each Board member.

Section 4: Specific Powers and Duties. Unless otherwise provided by statute, the Specific Powers and Duties of the Board will be articulated in the Bylaws and provided to each Board member.

Section 5: Balance. The Commission will take positive action to attain gender balance and proportional representation of minority residents in Missoula County to the greatest extent possible when appointing Boards. Geographic location of potential appointees within the County may also be a consideration in maintaining balance on Boards and Commissions.

Section 6: Qualifications. In order to be considered for Board appointment, a person must be a resident of Missoula County, meet any other residency requirements, demonstrate an interest in the area, and have the time to meet the obligations of the Board. In the event the Board has responsibility for management and oversight of its own funds, the Commission will endeavor to appoint at least one member with financial expertise. Other specific areas of expertise may be considered as requested from individual Boards.

Section 7: Board Membership. Unless otherwise provided for in the Bylaws, the Commission will appoint seven voting members and two non-voting alternates to the Board.

Section 8: Status of Alternates. Alternates have all the privileges and responsibilities of membership except for voting privileges. In the absence of a voting member at a Board meeting, the necessary number of alternates will serve as voting members for that meeting. Minutes of the meeting will reflect that Alternate(s) were seated in order to conduct the business of the Board.

Section 9: Ex-Officio Members (members by virtue of their office or official position). A Board may have Ex-Officio members who will have all the privileges and responsibilities of membership except for voting privileges, unless provided for in the Bylaws. Ex-Officio members will be appointed by the Commission or by the Chair of the Board if so provided by the Bylaws.

Section 10: Conflicts of Interest. Each member is required to fully disclose any business or professional activity which could form or have the appearance of forming the basis for a conflict of interest to their position on the Board. When such disclosure is made, the minutes shall reflect the disclosure and the member shall refrain from voting on the matter. Failure to fully disclose as required by this Section may be grounds for removal for cause.

Section 11: Oath of Office. Members will take the oath of office administered by the Chair of the Commission or his/her representative before beginning his/her term.

Section 12: Terms of Office. Members will serve staggered terms as determined by the Commissioners and reflected in the Bylaws. Unless otherwise specified in the Bylaws, the terms will be for three years with terms ending on June 30th and new terms beginning on July 1st. Members' terms will be limited as follows:

- 5-year appointments: 2 consecutive terms (10 years);
- 4-year appointments: 2 consecutive terms (8 years);
- 3-year appointments: 3 consecutive terms (9 years);
- 2 year appointments: 4 consecutive terms (8 years);
- Alternates will serve terms at the discretion of the Commission, unless otherwise specified in the bylaws.
- Partial terms and the time served as an alternate will not count against the term limit.

Section 13: Termination. Membership on a Board may be terminated by a member's resignation, by a member ceasing to reside in Missoula County, or by the Commission acting in the best interests of the organization upon the recommendation of the Board. A Board may recommend termination of a member if the member has missed three (3) consecutive unexcused regular meetings.

Section 14: Vacancies. Vacancies will be filled by appointment by the Commission.

Section 15: Compensation. Appointees agree to serve without compensation except for reasonable and necessary expenses in the conduct of their business. Pursuant to M.C.A. 2-2-104(1)(b) gifts to members will not exceed a value of \$50.00 in any fiscal year.

Section 16: Training. During the first year of their appointment, new appointees agree to participate in board training approved by the Commissioners. Failure to participate may result in the member's removal.

Section 17: Open Meetings. Appointees agree to comply with the Montana Open Meeting Law. (M.C.A. 2-3-201 et seq.)

Section 18: County Policies. Appointees agree to comply with Missoula County policies and procedures, including fiscal and personnel policies.

ADOPTED THIS 30<sup>th</sup> DAY OF December, 2008

ATTEST:

Vickie M Zeier  
Vickie Zeier, Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS  
MISSOULA COUNTY

Jean Curtiss  
Jean Curtiss, Chair

APPROVED AS TO FORM AND CONTENT:

Monty E. McCoy  
Deputy County Attorney

Bill Carey  
Bill Carey, Commissioner

**NOT AVAILABLE FOR SIGNATURE**  
Larry Anderson, Commissioner

BY-LAWS  
OF THE  
\_\_\_\_\_ COMMUNITY COUNCIL

**Article 1**  
Authorization

- I. In accordance with MCA 7-3-111 and 7-3-417(2), the Missoula County Commissioners create 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 County Commissioners and the Citizens of (description of Council boundary) ; to provide useful and beneficial information which will aid the County Commissioners in making decisions regarding the \_\_\_\_\_ Community; to inform citizens of the \_\_\_\_\_ Community of issues and problems before the County Commissioners which will impact 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, which includes (description of Council area).

- b. Promote the purposes described in Article 2, by facilitating communication with and among the various boards that govern the \_\_\_\_\_ Community infrastructures, 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 media, town meetings, and any other means deemed necessary or desirable in order to obtain the opinions, comments and suggestions regarding issues which are of concern to the \_\_\_\_\_ Community.
- d. Attend meetings of the Boards 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 or a designated representative.
- e. Consult with county planning staff, in any potential development of a Community Long Range Plan, and present the complete plan and updates to the Planning Board and Commissioners for consideration, adoption and implementation.
- f. Keep a record of all acts meetings and monies received and disbursed by the Council.
- g. Make an annual report to the Commissioners concerning the activities of the Council during the previous year.
- h. During the first year of their election or appointment, new Council members agree to participate in board training approved by the Commissioners.

**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.
- 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 13-1-401.
  - b. Initially, the five (5) or seven (7) Council members shall be appointed by the Board of County Commissioners/ shall be elected by the \_\_\_\_\_ Community.
  - c. The terms of the Council members shall be staggered so that two (2) members or one (1) member shall be elected each time.



- d. The initial terms for members shall be determined by the Commissioners so that there will be two (2) members with one-year terms, two (2) members with two-year terms, and one (1) member with a three-year term.
- e. Thereafter, the term of office shall be three (3) years. Community Council member terms begin on June 1<sup>st</sup> and end on May 31<sup>st</sup>. A member's term begins upon their completion of the oath of office administered by one of the County Commissioners and concludes at the end of the designated term.
  - » Members' terms will be limited to three (3) consecutive 3-year terms for a total of nine (9) years. Alternates will serve terms at the discretion of the Commission, unless otherwise specified in the Bylaws. Partial terms and the time served as an alternate will not count against the term limit.

III. Training

- a. During the first year of their term, new Council members agree to participate in board training approved by the Commissioners.

IV. Resignations, Terminations, and Vacancies:

- a. Membership may be terminated by a member's resignation, by a member ceasing to reside in Missoula County, or by failing to meet the obligations of their office. Resignations from the Council shall be in written form.
- b. Failure to participate in training, per section III, may result in the member's termination.
- 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 County Office of Elections and Board of County Commissioners. After the applications have been validated by the Office of Elections, the Qualified Elector(s) shall be appointed by the Missoula County Commissioners to fill the vacancy(ies).

**Article 6**  
**Officers and Duties**

- I. The Council shall elect from its members a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer at its first regular meeting following annual elections.
- II. The Chairperson shall preside over all meetings and shall perform all other duties as may be prescribed in these By-Laws or by Council action.
- III. The Vice Chairperson shall have the authority to act as Chairperson in the Chairperson's absence or disability.

- IV. The Secretary shall be responsible for keeping the minutes of each meeting and shall act as a chairperson in the absence both the Chairperson and the Vice Chairperson.
- 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.
- VIII. The Council may remove any officer, at any time, from his or her duties upon a majority vote of the Council.

#### **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 seven (7) days advance notice.
- II. Special Meetings: Special Meetings of the Council may be called by the Chairperson or by a quorum. The Chairperson shall give two (2) days advance notice to all members of any Special meeting.
- III. Quorum: A quorum shall consist of three (3) members (for a Council of five (5)) / four (4) members (for a Council of seven (7)). No action of the Council may be taken unless authorized by a quorum present at a regular or special meeting.
- IV. 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.
- V. Open Meetings: The Council shall agree to comply with the Montana Open Meeting Law (M.C.A. 2-3-201 et seq.).

#### **Article 8** **Parliamentary Authority**

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

**Article 9**  
**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 his/her duties for the people of the Community.
- II. Any person whose conduct departs from his/her 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 his/her duties to further substantially his/her personal economic interest;
  - b. Accept a gift of substantial value or a substantial economic benefit tantamount to a gift;
  - c. Acquire an interest in any business or undertaking which he/she has reason to believe may be directly and substantially affected to its economic benefit by official action taken by the Council; and
  - d. Within six (6) months following the voluntary termination of his/her office or employment, obtain employment in which he/she will take direct advantage, unavailable to others, of a matter or matters directly involved during his/her 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 he/she 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, he/she 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 10**  
**Order of Business**

- I. Unless otherwise determined by the Chairperson, the order of business at regular meetings shall be:
  - a. Call to order
  - b. Roll Call
  - c. Discussion of the Minutes

- d. Treasurer's Report
- e. Communications
- f. Reports from Council Members
- g. Old Business
- h. New Business
- i. Public Comment
- j. Adjournment

**Article 11**  
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 in order to assure that the views expressed are known to the entire Council.

**Article 12**  
Financial Management

- I. While the County has no obligation to fund the Community Council, it is recognized that funds may be available from various sources from time to time.
- II. Compensation for Services: Council Members agree to serve without compensation except for reasonable and necessary expenses in the conduct of their business. Pursuant to M.C.A. 2-2-104(1)(b) gifts to members will not exceed a value of \$50.00 in any fiscal year.
- III. 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.
- IV. Maintenance and Access to Records: The Council shall maintain reasonable records of its proceedings and shall allow access to those records by the County, County Auditor, and any independent auditor employed by the County and to any duly appointed representatives of the State or Federal governments.

**Article 13**  
**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.
- 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 Swan Valley 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 14**  
**Legal Assistance**

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

**Article 15**  
**Amendments**

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

**Article 16**  
**County Policies**

- I. Council Membes agree to comply with Missoula County policies and procedures, including fiscal and personnel policies.

**Article 17**  
**Severability**

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

**Article 18**  
**Adoption**

The following By-Laws were introduced before and approved by the Missoula Board of County Commissioners on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and were adopted by the \_\_\_\_\_ Community Council on the 12th day of March, 2009.

\_\_\_\_\_ COMMUNITY COUNCIL

BOARD OF COUNTY COMMISSIONERS:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Treasurer

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Council Member

ATTEST:

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Clerk and Recorder

\_\_\_\_\_  
Council Member

## APPENDIX G: MISSOULA COUNTY POLICY AND RESOURCES FOR WORKING WITH AND SERVING PEOPLE WITH DISABILITIES

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This appendix includes information for Community Councils about meeting the expectations of the American with Disabilities Act. Please contact Community and Planning Services if you have any questions or need assistance with a request for accommodations.

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## MISSOULA COUNTY ACCESSIBILITY POLICY FOR PERSONS WITH DISABILITIES

**Purpose:** To comply with the requirements of title II of the Americans with Disabilities Act 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 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 weeks to fill.

Complaints that a 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.

**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.

Within 15 calendar days of receiving the 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.

Within 30 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 televisions 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. The accompanying chart shows examples of positive and negative phrases.

Affirmative Phrases	Negative Phrases
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)

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.

### 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 speechread 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 will break 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 the World  
Carl Schweitzer & Kayla Legare  
7 N. Olive  
Helena, MT 59601  
406-443-8514  
206-337-1651 (fax)  
<http://brailletheworld.com>  
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 turn around 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

- 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.
- Place the person's hand on the back or arm of the chair when offering assistance to a person with a visual impairment.

### 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.

## Other Resources

### 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 ([www.co.missoula.mt.us/Accessibility/Default.aspx](http://www.co.missoula.mt.us/Accessibility/Default.aspx)).

### 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/pccatoolkit/chap3toolkit.htm](http://www.ada.gov/pccatoolkit/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 Montana

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



## APPENDIX H: MISSOULA COUNTY PARKS AND TRAILS ADVISORY BOARD MATCHING GRANTS AND WEED GRANT INFORMATION

### Missoula County Parks and Trails Advisory Board Matching Grants

The Missoula County Parks and Trails Advisory Board accepts applications twice a year for their Matching Grants program and can be a resource for improvements to the accessibility of Community Council meeting facilities. Please read the following sample application packet for more information about this resource. See the Parks website for information on the grant schedule and for a current application ([www.co.missoula.mt.us/mccaps/parks.htm](http://www.co.missoula.mt.us/mccaps/parks.htm)).

### Missoula County Park Board Weed Grants Information

The Missoula County Parks and Trails Advisory Board, together with the County Weed District, has developed a Partnership Weed Grant Program for County Parks. The Board is seeking neighborhood groups and individuals to develop and implement Integrated Weed Management Plans on County parks. See the Parks website for information on the grant schedule and for a current application ([www.co.missoula.mt.us/mccaps/parks.htm](http://www.co.missoula.mt.us/mccaps/parks.htm)).





MISSOULA  
COUNTY



MISSOULA COUNTY COMMUNITY AND PLANNING SERVICES  
200 W. BROADWAY  
MISSOULA, MONTANA 59802-4292  
PHONE: (406) 258-3432 FAX: (406) 258-3920

*Planning & Permitting • Conservation & Communities • Parks & Trails*

## Missoula County Parks and Trails Advisory Board Matching Grant Program

Dear Missoula County Residents:

The Missoula County Parks and Trails Advisory Board is pleased to announce the opportunity to apply for a Parks and Trails Matching Grant. The Board will award up to \$40,000 in Capital Grants and up to \$10,000 in Maintenance Grants throughout the county this fiscal year.

Application materials for the Capital Matching Grant and the Maintenance Matching Grant are available online at <http://www.co.missoula.mt.us/mccaps/ParksTrails/MatchingGrants.htm>. You can pick up a hard copy by visiting the County Parks and Trails Program office located at 323 West Alder in Missoula or calling to request it be mailed to you. Both grants require a 1:1 match, essentially splitting the project costs.

The instructions accompanying each application describe the programs in detail and the types of projects that will be considered for funding. If you are interested in improving a park or trail in your area, we hope you apply for these funds.

**The deadline for spring applications is Monday, March 16, 2015.**

The Missoula County Parks and Trails Advisory Board will consider all applications and recommend awards to the Board of County Commissioners.

Please be in touch with any questions or to discuss your project.

Sincerely,

A handwritten signature in blue ink that reads "Christine Dascenzo".

Christine Dascenzo

Parks & Trails Program Assistant

Missoula County Community and Planning Services

406-258-3458; [cdascenzo@co.missoula.mt.us](mailto:cdascenzo@co.missoula.mt.us)

## Missoula County Parks and Trails Advisory Board

### MAINTENANCE MATCHING GRANTS GENERAL INFORMATION

**INTRODUCTION:** The Missoula County Parks and Trails Advisory Board frequently forms partnerships with local organizations, homeowner associations, or individuals to improve County parks, trails, and recreation areas. In these partnerships, the Parks and Trails Advisory Board provides partial maintenance assistance funds, and in turn, the applicant matches these funds and agrees to continually maintain the project.

**ELIGIBILITY FOR FUNDING:** Organizations or individuals applying for funding should be well-established and committed to the long-term maintenance of the park. A demonstrated ability to fundraise and provide community service is helpful.

**LANDS ELIGIBLE FOR FUNDING:** Lands eligible for maintenance funds must be a designated County park, trail, or recreation area.

**GRANT AMOUNTS AND MATCH REQUIREMENT:** Each year, \$10,000 is made available for maintenance projects. There is no minimum or maximum limit for fund requests. All organizations receiving grants must provide a dollar for dollar match of project expenses via any combination of cash (public and/or private), donated materials, professional service, or volunteer labor. **Reimbursements will be made after the project has been completed** and all receipts and reports have been submitted to the County Parks and Trails Program.

**TYPES OF PROJECTS:** Considering the individual needs of each park and available funding, projects that show the following will be given priority:

- Compliance with applicable State laws and county policies;
- Additional funding support from other agencies or organizations;
- A guaranteed source of continued funding for maintenance;
- An increase in access for people with disabilities;
- An increase in the quality and/or amount of natural habitat;
- Extensive participation and support from the community or neighborhood;
- Reduction or elimination of liability; and
- Reduction in overall park maintenance.

**EQUITABLE DISTRIBUTION OF BOARD FUNDS:** The Parks and Trails Advisory Board is committed to distributing these funds equitably throughout the county and will consider the following factors:

- Amount of funding recently allocated to the area by this Board;
- Length of time the area has had an unfulfilled need for the project; and
- The willingness of interested parties to contribute to the organization.

## **Missoula County Parks and Trails Advisory Board**

### **MAINTENANCE MATCHING GRANT PROGRAM ATTACHMENT B: CONDITIONS FOR USE AND PAYMENT OF FUNDS**

1. The Recipient shall receive all match funds when the project is complete and required documentation has been received and approved by Missoula County. The Recipient may choose to receive payment of match funds by dividing the project into two or more major sub-projects and then requesting partial payment as each sub-project is finished.
2. The County shall reimburse the recipient for half the total project costs, not to exceed the award amount, on receipt of the following: copies of invoices and/or sales receipts and a written completion report which is consistent with the Recipient's approved application and any conditions stated in the agreement. See Attachment A. Photos will be appreciated. The County reserves the right to make on-site visits and/or require the Recipient to provide additional documentation before payment of match funds.
3. The County reserves the right to review and approve all proposed project match, including time, labor, materials, services, or other expenses. Recipient is responsible for all matched funds. The County may elect to revoke a Maintenance Grant should the required match become unavailable.
4. In all instances wherein the Recipient has ordered and received materials and/or services, it shall be the Recipient's responsibility to pay vendor in full.
5. The County will not make cash advances to the Recipient.
6. Reimbursement of individuals or other third parties who purchase goods and services used on the project is the responsibility of the Recipient.
7. Contractors and other service providers who operate equipment or perform work on utilities (gas, water, electrical, sewer), whether performing such service for compensation or as a donation, must provide a copy of their insurance certificate and may be required to obtain regulatory permits before commencing work. Evidence of workers' compensation insurance or proof of exemption is also required. Recipients are asked not to solicit the services, paid or donated, of vendors or other individuals who are unable to meet these requirements.
8. The County reserves the right to withhold payment of match funds for Recipient's failure to adhere to these conditions. The County also reserves the right to audit the Recipient's use of match funds.



**Missoula County Parks and Trails Advisory Board  
MAINTENANCE MATCHING GRANT  
APPLICATION FORM**

A Maintenance Matching Grant is for the **one-time assistance with a specific park maintenance** project in a designated County park, trail, or recreation area. Examples of park maintenance projects include, but are not limited to, turf aeration, vegetation management, unexpected irrigation repairs, or repair of existing facilities. If you are interested in financial assistance for the one-time creation of a park asset, please see the Capital Matching Grant application form.

All applications are reviewed by the Missoula County Parks and Trails Advisory Board. Awards are granted at any level deemed appropriate within the available funds of \$10,000 per fiscal year. The Board may request a presentation for requests larger than \$4,000. Grant awards are open for two years.

Send completed applications to the Missoula County Parks and Trails Program, 200 W Broadway, Missoula, MT, 59802 or cdascenzo@co.missoula.mt.us. Faxed applications are no longer accepted, please scan and email hand written applications. If you have questions about the application process or want to discuss an idea, please call Christine Dascenzo at 258-3458 or email cdascenzo@co.missoula.mt.us.

**PROJECT OVERVIEW**

1. Name of Park or Recreation Area: \_\_\_\_\_

2. Location of Park or Recreation Area: \_\_\_\_\_

3. Name of Sponsoring Organization(s): \_\_\_\_\_

4. Name of Organization Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

5. Briefly describe the proposed project.

6. Has this park previously received County funds? Yes No If so, when? \_\_\_\_\_

7. How much money are you requesting for this project? \$ \_\_\_\_\_

8. How many hours of volunteer labor are expected to be used? \_\_\_\_\_ x \$10/hr = \$ \_\_\_\_\_

9. What is the expected value of donated materials? \$ \_\_\_\_\_

10. How much money will your organization contribute to the project? \$ \_\_\_\_\_

11. What is the total cost of this project? \$ \_\_\_\_\_

\*Note: The total cost should be at least twice the request amount and include expenses, volunteer labor \$10/hr, & donated materials.



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**DESCRIPTION OF ORGANIZATION**

## 1. Names of Board Officers

President:

Vice President:

Secretary:

Treasurer:

Members At Large:

## 2. Number of employees:

## 3. Number of volunteers:

## 4. Number of members:

## 5. Length of existence:

## 6. Organization's previous community service:

Please attach:

- |   |
|---|
| <input type="checkbox"/> Organization's annual budget <input type="checkbox"/> Map(s) of the location <input type="checkbox"/> Any letters of support<br><input type="checkbox"/> Organization's most recent year-end tax information or IRS Form 990 (if applicable) |
|---|

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**PRESENT SITE CONDITION**

## 1. Approximate acreage:

## 2. List any facilities presently on-site:

## 3. Describe the condition of vegetation and noxious weeds:

## 4. List adjacent property owners and uses:

## 5. Describe the accessibility to general public (hours, seasons, any other access restrictions):

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## **PROPOSED PROJECT**

### **1. Describe the project in detail below.**

Use additional paper if necessary. Note that a single project is not necessarily expected to address every issue listed below. Additional consideration will be given to projects addressing these needs as identified in the [Parks and Trails Master Plan](#).

Be sure to address:

- Why the project is needed
- Who it will serve
- How it will benefit the public
- How it will increase the diversity of recreational opportunities in the area
- If applicable, describe how this project will increase the access for people with disabilities
- If applicable, describe how this project will increase the quality or amount of natural habitat



## Missoula County Parks and Trails Advisory Board CAPITAL IMPROVEMENT MATCHING GRANTS

### GENERAL INFORMATION

**INTRODUCTION:** The Missoula County Parks and Trails Advisory Board frequently forms partnerships with local organizations, homeowner associations, or individuals to improve County parks, trails, other recreation areas. In these partnerships, the Parks and Trails Advisory Board provides planning assistance and partial funding; in turn, the applicant matches these funds and agrees to continually maintain the project.

**ELIGIBILITY FOR FUNDING:** Organizations or individuals applying for funding should be well-established and committed to the long-term maintenance of the park. A demonstrated ability to fundraise and provide community service is helpful.

**LANDS ELIGIBLE FOR FUNDING:** Eligible lands include any designated park, school playground, community center, or other similar recreation site within Missoula County and outside the City of Missoula. If the project is not located on a County-owned park, trail, or recreation area, the owner must show that the site will be accessible to the general public.

**GRANT AMOUNTS AND MATCH REQUIREMENT:** Each year, \$40,000 is made available for capital matching grants. There is no minimum or maximum limit for fund requests. All organizations receiving grants must provide a dollar for dollar match of project expenses via any combination of cash expenses (public and/or private), donated materials, professional service, or volunteer labor. **Reimbursements will be made after the project has been completed** and all receipts and reports have been submitted to the County Parks and Trails Program.

**TYPES OF PROJECTS:** Considering the individual needs of each park and available funding, projects that show the following will be given priority:

- Compliance with all applicable State laws and county policies;
- Additional funding support from other agencies or organizations;
- Guaranteed source of continued funding for maintenance;
- Increasing access for people with disabilities;
- Increasing recreation opportunities in the region, area, or neighborhood;
- Increasing the quality and/or amount of natural habitat;
- Extensive participation and support from the community or neighborhood;
- Reduction or elimination of liability;
- Reduction in overall park maintenance; and
- Requiring low maintenance.

**EQUITABLE DISTRIBUTION OF BOARD FUNDS:** The Parks and Trails Advisory Board is committed to distributing these funds equitably throughout the county and will consider the following factors:

- Amount of funding recently allocated to the area by this Board;
- Length of time the area has had an unfulfilled need for the project; and
- The willingness of interested parties to contribute to the organization.

## Missoula County Parks and Trails Advisory Board

### CAPITAL MATCHING GRANT PROGRAM ATTACHMENT B: CONDITIONS FOR USE AND PAYMENT OF FUNDS

1. The Recipient shall receive all match funds when the project is complete and required documentation has been received and approved by Missoula County, including documentation that non-County owned sites will be accessible to the general public. The Recipient may choose to receive payment of match funds by dividing the project into two or more major sub-projects and then requesting partial payment as each sub-project is finished.
2. The County shall reimburse the recipient for half the total project costs, not to exceed the award amount, on receipt of the following: copies of invoices and/or sales receipts and a written completion report, which is consistent with the Recipient's approved application and any conditions stated in the agreement. See Attachment A. Photos will be appreciated. The County reserves the right to make on-site visits and/or require the Recipient to provide additional documentation before payment of match funds.
3. The County reserves the right to review and approve all proposed project match, including time, labor, materials, services, or other expenses. Recipient is responsible for all matched funds. The County may elect to revoke a Capital Grant should the required match become unavailable.
4. In all instances wherein the Recipient has ordered and received materials and/or services, it shall be the Recipient's responsibility to pay vendor in full.
5. The County will not make cash advances to the Recipient.
6. Reimbursement of individuals or other third parties who purchase goods and services used on the project is the responsibility of the Recipient.
7. Contractors and other service providers who operate equipment or perform work on utilities (gas, water, electrical, sewer), whether performing such service for compensation or as a donation, must provide a copy of their insurance certificate and may be required to obtain regulatory permits before commencing work. Evidence of workers' compensation insurance or proof of exemption is also required. Recipients are asked not to solicit the services, paid or donated, of vendors or other individuals who are unable to meet these requirements.
8. The County reserves the right to withhold payment of match funds for Recipient's failure to adhere to these conditions. The County also reserves the right to audit the Recipient's use of match funds.



**Missoula County Parks and Trails Advisory Board  
CAPITAL MATCHING GRANT  
APPLICATION FORM**

A Capital Matching Grant is for the **one-time creation of a park asset**. Examples of capital improvements include, but are not limited to, the installation of irrigation systems, play equipment, picnic structures, sod or turf, and trees. If you are interested in financial assistance for one-time assistance with a specific park maintenance project, please see the Maintenance Matching Grant application form.

All applications are reviewed by the Missoula County Parks and Trails Advisory Board. Awards are granted at any level deemed appropriate within the available funds of \$40,000 per fiscal year. The Board may request a presentation for requests larger than \$4,000. Grant awards expire after two years.

Send completed applications to the Missoula County Parks and Trails Program, 200 W Broadway, Missoula, MT, 59802 or [cdascenzo@co.missoula.mt.us](mailto:cdascenzo@co.missoula.mt.us). Faxed applications are no longer accepted, please scan and email hand written applications. If you have questions about the application process or want to discuss an idea, please call Christine Dascenzo at 258-3458 or e-mail [cdascenzo@co.missoula.mt.us](mailto:cdascenzo@co.missoula.mt.us).

**PROJECT OVERVIEW**

1. Name of Park or Recreation Area: \_\_\_\_\_

2. Location of Park or Recreation Area: \_\_\_\_\_

3. Name of Sponsoring Organization(s): \_\_\_\_\_

4. Name of Organization Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

5. Briefly describe the proposed project.

6. Has this park previously received County funds?  Yes  No If so, when? \_\_\_\_\_

7. How much money are you requesting for this project? \$ \_\_\_\_\_

8. How many hours of volunteer labor are expected to be used? \_\_\_\_\_ x \$10/hr = \_\_\_\_\_

9. What is the expected value of donated materials? \$ \_\_\_\_\_

10. How much money will your organization contribute to the project? \$ \_\_\_\_\_

11. What is the total cost\* of this project? \$ \_\_\_\_\_

\*Note: The total cost should be at least twice the request amount and include expenses, volunteer labor \$10/hr, & donated materials.

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**DESCRIPTION OF ORGANIZATION**

## 1. Names of Board Officers

President:

Vice President:

Secretary:

Treasurer:

Members at Large:

## 2. Number of employees:

## 3. Number of volunteers:

## 4. Number of members:

## 5. Length of existence:

## 6. Organization's previous community service:

Please attach:

- |   |
|---|
| <input type="checkbox"/> Organization's annual budget <input type="checkbox"/> Map(s) of the location <input type="checkbox"/> Any letters of support<br><input type="checkbox"/> Organization's most recent year-end tax information or IRS Form 990 (if applicable) |
|---|

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**PRESENT SITE CONDITION**

## 1. Approximate acreage:

## 2. List any facilities presently on-site:

## 3. Describe the condition of vegetation and noxious weeds:

## 4. List adjacent property owners and uses:

## 5. Describe the accessibility to general public (hours, seasons, any other access restrictions):

---

---

## **PROPOSED PROJECT**

### **1. Describe the project in detail below.**

Use additional paper if necessary. Note that a single project is not necessarily expected to address every issue listed below. Additional consideration will be given to projects addressing these needs as identified in the [Parks and Trails Master Plan](#) and those which have been vetted through a Community Council, HOA, or similar group.

Be sure to address:

- Why the project is needed
- Who it will serve
- How it will benefit the public
- How it will increase the diversity of recreational opportunities in the area
- If applicable, describe how this project will increase the access for people with disabilities
- If applicable, describe how this project will increase the quality or amount of natural habitat







## Noxious Weed Control on Missoula County Parklands

The Missoula County Parks and Trails Advisory Board, together with the County Weed District, has developed a Partnership Weed Grant Program for County Parks. The Board is seeking neighborhood groups and individuals to develop and implement Integrated Weed Management Plans on County parks.

The Missoula County Parks and Trails Advisory Board provides grants for initial noxious weed control work and re-vegetation plans by homeowner's associations and neighborhood groups if they will maintain the vegetation in future years. The hope is that an active management plan will prevent the need for yearly noxious weed control.

Please contact County Parks and Trails staff at 258-3458 for further information on how to begin.

### **GRANT GUIDELINES**

- Applications will be accepted any time during the year and evaluated upon receipt.
- The Missoula County Parks and Trails Board has the discretion to fund a portion, all, or none of a proposal.
- Typically, Parks and Trails Advisory Board will fund projects costs for herbicide, its application, and seeds. Grant applicants are expected to contribute planning time, and donated labor for mowing, hand pulling and/or reseeding.
- All herbicide applications must be applied by a licensed and insured Commercial or Government Applicator.
- Signs notifying visitors of herbicide application must be posted at least 24 hours before and 24 hours following any application.
- The Parks and Trails Advisory Board will consider the following criteria in reviewing applications:
  - In-kind contribution for project planning
  - Severity of weed problem (State Noxious Weeds have top priority)
  - Number of infested acres
  - Number of acres to be treated
  - Benefits to the community and County
  - Demonstrated community/neighborhood support for the project

## Noxious Weed Control on Missoula County Parklands Grant Application

### Applicant Information:

Name: \_\_\_\_\_

Organization (if applicable) \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State Zip

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

### Park Information:

Name of Park: \_\_\_\_\_ Size of Park: \_\_\_\_\_

Location of Park: \_\_\_\_\_

### Integrated Weed Management Plan Information

Please attach the following information to this grant application:

#### 1. Maps

Base map of park area showing the following:

- weed infestation by species
- wells, ditches, streams or other water bodies
- any existing improvements within the park area
- areas within the park to be treated

Vicinity map showing adjacent properties

The following websites may be helpful in preparing the vicinity map:

- <http://svc.mt.gov/msl/mtcadastral/>
- [http://www.co.missoula.mt.us/mccaps/ParksTrails/Parks\\_TrailsMaps.htm](http://www.co.missoula.mt.us/mccaps/ParksTrails/Parks_TrailsMaps.htm)

#### 2. Pictures

Photographs of the park area. Before and after photos are required. After photos may be submitted during the next growing season.

#### 3. Integrated Weed Management Plan

Start with creating a long-term vegetation plan for the park. This plan should be part of an overall park improvement plan. The plan should include the following:



- weed identification;
- control measures for target weeds;
- ideas for continued management and maintenance practices to reduce the need for future weed control;
- appropriate re-vegetation;
- demonstrated efforts to get others involved;
- projected project costs (herbicide, application, seeds)

4. IV. Summary of Project Costs

Potential Project Costs	Grant Funds Requested	In-Kind Contribution
Planning		
Coordinating		
Monitoring		
Herbicide		
Herbicide Application		
Bio Control		
Mowing		
Hand Pulling		
Seeds		
Seed Application		
Grazing		
Equipment		
Other		
<b>Total</b>		

V. Resources

The following staff and website resources are available to assist you.

- County Parks and Trails Staff      258-3458
- County Weed District                258-4200
- Weed District Website  
<http://www.missoulaeduplace.org/missoula-county-weed-district.html>
- County Parks and Trails Advisory Board Weed Grant Information  
<http://www.co.missoula.mt.us/mccaps/ParksTrails/ParksWeedGrants.htm>
- As a courtesy, Missoula County Weed District compiles a list of individuals who provide broadcast, aerial herbicide application, mowing, and bio-control contractors for weed control. Additional listings may be found in the local telephone directory or newspaper.  
<http://www.missoulaeduplace.org/commercial-applicator-list.html>

Return completed applications to:

Missoula County Parks and Trails                or                cdascenzo@co.missoula.mt.us  
 200 West Broadway  
 Missoula, MT 589801



## **APPENDIX I: FORMING A COMMUNITY COUNCIL AND AMENDING COMMUNITY COUNCIL BOUNDARIES**

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Items 1-7 describe the process of getting the question of whether or not to establish a Community Council on the ballot. Items 8 -10 describe the steps following a positive vote to get a Council up and running. Item 11 explains procedures for changing the boundaries of a Community Council.

### **1. Information Gathering**

- a. Contact Missoula County Community and Planning Services (CAPS) for further information on Community Councils and to discuss a potential timeline for placing this question on the ballot in your community.
- b. Identify contacts in the community who would be interested in forming a Community Council
- c. Determine what issues a Community Council would be likely to address.
- d. Have discussions about where the boundary of the Council should lie. Typically, Councils use existing legal boundaries such as a school district or voting precincts.

### **2. Public Information Sessions**

- a. Educate the public about Community Councils, what they could expect, what experiences have been in other communities within the County. Conduct meetings or gatherings such as open houses, town halls or community forums and meetings with existing citizen groups.
- b. Distribute Frequently Asked Questions and proposed Community Council materials to help answer questions about Community Council formation.

### **3. Petition The County Commissioners (see "Sample Petition")**

- a. Collect signatures to put the question of forming a Community Council on a local ballot. Submit the petition to CAPS. ( CAPS staff makes a copy and brings original to the Elections Officer at the Clerk and Recorder's Office to be certified. The Clerk and Recorder's Office will give a copy to the Board of County Commissioners' Office. A copy goes to the CAPS Office. Clerk and Recorders Office keeps original.)
- b. Petition format: must include proposed boundary (along existing boundaries is best: school district, precinct).

### **4. Board of County Commissioners Hearing**

- a. Public Hearing - CAPS staff will work with you to establish a public hearing date for a discussion of whether or not to add your request to the ballot. **The hearing must take place at least 75 days prior to the election.** At the hearing, the Board of County Commissioners will consider whether there is adequate support for establishing a Community Council, whether boundaries selected appropriately represent the community residents, and will address questions and comments raised.
- b. Notice of Hearing (NOH) - CAPS staff will post a legal NOH prior to the public hearing.

### **5. Resolution**

- a. Following a positive determination by the County Commissioners on the formation of a Community Council, the Commissioners adopt a resolution that places the question of forming a Community Council on the ballot of the next available election. The language on the resolution will determine how the question will appear on the ballot and will indicate the number of Council members to be elected and whether the Commissioners will appoint the first interim members.

### **6. Legal notice prior to the election**

MCA 13-1-108. Notice of special elections. "Notice of any special election shall be published at least once a week for the three successive weeks before the election on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the jurisdiction where the election will be held." This notice is done by the Elections Office.

## 7. Ballot Vote

- a. A Council will be created if there is a majority of valid votes in favor of the Council's formation.

*Following a positive ballot vote on the question of establishing a Community Council:*

## 8. Council Members

There are two options for determining the first Council members:

- a. County Commissioners appoint interim Community Council members.
  - i. Persons who wish to be interim Community Council members must apply to the County Commissioners to be appointed (the Commissioners Office will advertise the opening and conduct interviews).
  - ii. Appointed Council members will have staggered terms of one, two and three years and will then have an opportunity to be elected.
- b. Your community may choose to wait until the next School Election to elect Community Council members
  - i. Candidates to be elected to the Community Council need to be nominated in the form of a petition signed by five (5) electors and filed with the County Commissioners, with a close of nominations 40 days prior to the applicable election.
  - ii. Candidates must complete an Oath of Candidacy (see attached example) and must be a registered voter within the Council boundary.
  - iii. Council members will be elected for staggered terms as defined in the Council bylaws.

## 9. Organizational Meeting

- a. CAPS will contact elected or appointed Council members and will host a meeting to provide an introduction to Community Councils and pertinent resources and to discuss preparations for the Community Council's first meeting, establishing Council bylaws, etc.

## 10. Funding

With the help of CAPS, the Community Council enters into a Memorandum of Agreement (MOA) with the County Commissioners establishing funding for the new Community Council.

## 11. Changing Council Boundaries:

There are two ways councils can adjust their boundaries: via petition or via election of those in the affected area.

- a. Community vote.

Community Council boundaries can be changed through a petition and a ballot process for the entire area to be covered by the Community Council (or Councils where there is a request to shift boundaries between two councils). A petition of support for expansion or alteration of council jurisdictional area needs to be provided to CAPS that describes the specific area to be added or adjusted to the boundary for the council. The petition will be considered by the Commissioners and often this process involves at least one public meeting on the subject. If approved, the Commissioners will pass a resolution to place a question regarding adjustment of the council jurisdiction on the ballot. A majority of votes in favor from the area that includes both the current Council jurisdictional area as well as the new area is required for the proposed change to be approved. This process is similar to the petition process used to create a Community Council.
- b. Commission a Resolution.

The Commissioners may, at their discretion, pass a resolution to change the boundaries of a Community Council. The Commissioners may be willing to pass such a resolution if they receive a petition from those in the area proposed to be added to or shifted between Councils. The petition should show significant interest (meaning a substantial number of signatures) for the change. In the case where a boundary change would occur between Community Councils, the Commissioners anticipate that a petition process to shift the

boundaries would involve coordination and cooperation between the two Councils involved, as well as the submittal of a petition.

**Other Relevant Questions:**

- **How are Community Council boundaries established?**

Council boundaries typically follow existing political boundaries. For instance, the boundaries of the Lolo, Bonner-Milltown, Seeley Lake and Swan Valley Community Councils coincide with local school districts; the boundary of the East Missoula Community Council follows the East Missoula Sewer District; the West Valley Community Council coincides with voting precincts 34, 35, 36, 37 and 38; and the Evaro-Finley-O'Keefe coincides with voting precincts 39, 40, 41 and 42.

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. If an area or neighborhood desires to be added to an existing Community Council or moved from one Council to another so that its interests are better represented, there is a process to do so (see below).

• **RESOLUTION 2015 - \_\_\_\_\_**

**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.

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

O 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 \_\_\_\_\_, 2015

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MISSOULA COUNTY:

\_\_\_\_\_  
Tyler Gernant, Clerk and Recorder

\_\_\_\_\_  
Bill Carey, Chair

APPROVED AS TO FORM:

\_\_\_\_\_  
Jean Curtiss, Commissioner

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

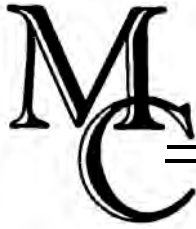
\_\_\_\_\_  
Nicole Rowley, Commissioner



APPENDIX J: FINANCIAL FORMS

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Greetings Community Councils,

Attached are budget forms for Fiscal Year 2016, which runs July 1, 2015 to June 30, 2016. Below is a brief description of each form.

1. **Community Council Request for Funding.** For FY2016, this form is due **May 15, 2015**. Please provide basic information about your community council's 2016 budget and work plan.
2. **Community Council Funding Agreement Form.** Once the budget is approved, these forms will go to community councils for signature.
3. **Community Council Annual Report Form.** This is the form community councils use to submit annual reports to Community and Planning Services, due by May 15<sup>th</sup> of that fiscal year or May 15, 2015 for FY2016. Please note and include any anticipated expenditures for the remainder of FY2015 on this report form.

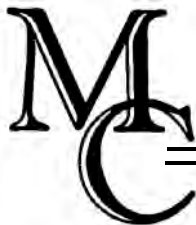
We will process your paperwork as soon as we receive it and should have payments sent to your council during the month of July, 2015.

If you have any questions or concerns, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Laurie Hire  
Community and Planning Services





**COMMUNITY COUNCIL REQUEST FOR FUNDING FORM**

Each Community Council is anticipated to have a budget of \$1000 per year. Missoula County requires the following information from each community council in order to make budget requests.

**The deadline to submit information for funding is May 15, 2015.** This request will be applied to Fiscal Year 2016, which runs from July 1, 2015 to June 30, 2016.

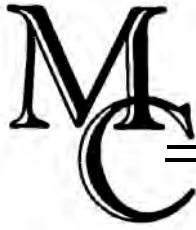
<b>1. Community council name:</b>	
<b>2. Contact person:</b>	
<b>3. Contact information:</b>	
<b>4. Total amount requested:</b>	
<b>5. Current bank account balance (please include date of account balance):</b>	
<b>6. Anticipated work plan for the coming year (attach an additional sheet if needed):</b>	
<b>How do you plan on spending the money? (Please give an estimate for each applicable category of expend)</b>	
Office Supplies:	Printing:
Postage/Shipping:	PO Box Rental:
Meeting Supplies:	Advertising:
Meeting Room Rental:	Secretarial Assistance:
Professional Assistance (website, meeting facilitation, etc):	Other:
Other:	Other:
Other:	Other:

Approved by the \_\_\_\_\_ Community Council at their \_\_\_\_\_ meeting.

Signature of Community Council Chair or Treasurer: \_\_\_\_\_





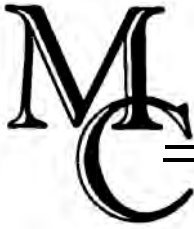


**MISSOULA COUNTY COMMUNITY COUNCIL ANNUAL REPORT FORM**

*\*Please note and include any anticipated expenditures for the remainder of Fiscal Year 2015.*

Community Council Name:			
Report Date (due May 15):		For Fiscal Year:	FY2015 (July 1, 2014 – June 30, 2015)
Prepared By:			
RECEIPT AND EXPENDITURE OF COUNTY FUNDS			
County Revenues		Budget Amount	Total Income
1. Missoula County Community Council Funds			
2. Other Funds Received (example donations, etc.)			
EXPENDITURES BY CATEGORY		BUDGET AMOUNT	TOTAL EXPENDITURES
1. Office Supplies			
2. Printing			
3. Postage/Shipping			
4. PO Box Rental			
5. Meeting Supplies			
6. Advertising			
7. Meeting Room Rental			
8. Secretarial Assistance			
9. Professional Assistance			
10. Other:			
a.			
b.			
c.			
d.			
11. TOTAL EXPENSES			

MISSOULA  
COUNTY



MISSOULA COUNTY COMMUNITY AND PLANNING SERVICES

200 W. BROADWAY

MISSOULA, MONTANA 59802-4292

PHONE: (406) 258-3432 & (406) 258-4657 FAX: (406) 258-3920

*Planning & Permitting • Conservation & Communities • Parks & Trails*

**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.**

Approved by the \_\_\_\_\_ Community Council at their \_\_\_\_\_ meeting.

Signature of Community Council Chair or Treasurer: \_\_\_\_\_

**AGREEMENT BETWEEN MISSOULA COUNTY BOARD OF COMMISSIONERS  
AND THE \_\_\_\_\_ COMMUNITY COUNCIL.**

1. Missoula County Board of Commissioners desire to obtain the assistance of the Missoula County Community Councils in bringing information from citizens and residents of the rural communities to the attention of the Commissioners. Community Councils may also provide additional information deemed useful, beneficial and helpful to the Commissioners in making decisions which affect the community. Missoula County Community and Planning Services, acting on behalf of the County Commissioners, will commence performance of this agreement on the 1<sup>st</sup> day of July, 2015. The \_\_\_\_\_ Community Council has agreed to perform the following tasks:
  - a. Serve in a purely advisory capacity with no power to levy taxes or to impose its will on the citizens of the community or area.
  - b. Facilitate communication with and among the boards that govern the community infrastructure.
  - c. Communicate regularly with the citizens of the community to obtain information regarding issues which are of concern to the community.
  - d. Attend meetings of the Commissioners and other county boards and commissions and any other meetings at which issues of importance to the community will be discussed.
  - e. Keep a record of all of its acts and a financial record of all monies received and disbursed by it. Such records must be provided to Community and Planning Services no later than June of each year. The specific deadline will be provided with the subsequent year's budget packet. Failure to provide adequate reporting may result in a reduction of funding.
  - f. Submit an annual report to the Commissioners summarizing its activities and expenditures during the previous year.
  - g. Follow Montana law and Missoula County policies.
  - h. Comply with open meeting and access to public records provisions of Montana law in conducting community council activities.
  - i. Each community council must submit a proposed work plan for the coming fiscal year outlining projects which will utilize the County's annual funding.
  
2. The total compensation for services, based on written request for payment with documentation as required by the County Auditor and Community and Planning Services, shall be as follows:
  - a. An annual budget of \$1000 for each community council will be allocated to be used as a means to complete program projects and goals, dispersed on an annual basis.
  - b. Community Councils may apply for grants for additional funds only when utilizing a county department as a fiscal sponsor.
  - c. Unexpended funds from the previous year may be carried over to the next year provided there is a county approved project(s) for which the funds are being retained.

3. The Missoula County Community Councils shall maintain sufficient records incident to the performance of this agreement to enable the County to document the performance of the agreement. The Missoula County Community Councils shall allow access to the records by the County and the County Auditor. Records shall be retained for at least three years after completion of the agreement.
  
4. The parties acknowledge that Missoula County and the Missoula County Community Councils are subject to the open meeting and public records provisions of Montana law.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 \_\_\_\_\_ Community Council  
 (Name of Community Council)

BOARD OF COUNTY COMMISSIONERS  
 Missoula County, Montana

\_\_\_\_\_  
 \_\_\_\_\_, Community Council Chair  
 (Insert name of Chair)

\_\_\_\_\_  
 Chairman

Date \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
 Commissioner

\_\_\_\_\_  
 \_\_\_\_\_, Community Council Treasurer  
 (Insert name of Treasurer)

\_\_\_\_\_  
 Commissioner

Date \_\_\_\_\_ 20\_\_

ATTEST:

\_\_\_\_\_  
 Clerk and Recorder

## APPENDIX K: OTHER REFERENCES

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*Serving on County Boards, Districts, Commissions and Committees in Montana*, MSU Extension – Local Government Center.

Planning Board Member's Handbook:

<http://comdev.mt.gov/content/CTAP/docs/Publications/PlanningBoardHandbook.pdf> .

Neighborhood Council Handbook: <http://ci.missoula.mt.us/DocumentCenter/Home/View/1189> .

Missoula County Policies: <http://www.co.missoula.mt.us/auditor/forms.htm>



APPENDIX M: MISSOULA COUNTY COMMUNITY COUNCIL MEMBER ROSTER

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**MISSOULA COUNTY COMMUNITY COUNCIL MEMBER ROSTER\***

Community Council	First Name	Last Name	Office	Address	City	State	Zip	Phone	E-mail	Term Length	Term Expires
<b>Bonner-Milltown</b>											
	Donald	Felton		PO Box 655	Milltown	MT	59851		dlf@bresnan.net	1	5/31/2017
	Olivia	Riutta		2250 McDowell Dr	Missoula	MT	59802	465-5145	oriutta@gmail.com	3	5/31/2018
	Karl	Uhlig		PO Box 992	Bonner	MT	59823	H:258-6234 W:728-4611 x116	KUhlig@wgmgroup.com	3	5/31/2018
	Burt	Caldwell		11575 Chumrau Loop	Missoula	MT	59802		CBCaldwe@aol.com	3	5/31/2016
	Chuck	Erickson		10225 Rustic Road	Missoula	MT	59802	258-6930	guppione@msn.com	3	5/31/2016
<b>East Missoula</b>											
	Dick	Ainsworth	Chair	4636 Stoneybrook Way	Missoula	MT	59802	549-1679	gnomehome@bresnan.net	3	5/31/2016
	Rick	Stephens		633 Minnesota Ave	Missoula	MT	59802	728-6198	stephens157@gmail.com	3	5/31/2017
	Ken	Jenkins	Vice Chair	PO Box 8777	Missoula	MT	59807	721-4033	ken@mtnwco.com	2	5/31/2017
	Lee	Bridges		203 Clyde St	Missoula	MT	59802	549-4543	leebridges@montana.com	3	5/31/2016
	Keri	McWilliams	Treasurer	536 Speedway	Missoula	MT	59802	(h) 544-3904 (w) 728-7682	kmcwill@gmail.com	3	5/31/2018
<b>Evaro/Finley-O'Keefe</b>											
	Shelley	Andres		17174 Mercer Ranch Rd	Missoula	MT	59808	H: 726-2509 W: 549-4994	tsandres6000@yahoo.com	3	5/31/2017
	Ada	Reep	Chair	5050 Mercer Ln	Missoula	MT	59808	207-9191	adareep@gmail.com	3	5/31/2018
	Meggen	Ryan	Treasurer	17925 Beargrass Mtn Rd	Missoula	MT	59808	726-3722	charitypeak@blackfoot.net	3	5/31/2016
	Eileen	McGurty		PO Box 4453	Missoula	MT	59806	973-951-9549	eilmcg@aol.com	3	5/31/2018
	Janet	Stevens	Secretary	7201 Evaro Road	Missoula	MT	59808	880-8764	janet.stevens@business.umt.edu	3	5/31/2017
<b>Lolo</b>											
	Gary	Buehler		9825 Hwy 93 S	Lolo	MT	59847	273-0077			
	William	Geer	Vice Chair, Treasurer	6135 Delarka Dr	Lolo	MT	59847	396-0909	garybuehler@msn.com	2	5/31/2017
	Sue	Hadnot	Secretary	PO Box 1633	Lolo	MT	59847	273-6979	whgeer@bridgemail.com	3	5/31/2016
	Devin	Jackson	Chair	PO Box 8332	Missoula	MT	59807	239-5304	skhadnot@hotmail.com	3	5/31/2016
	Emmett	Briggs		PO Box 455	Lolo	MT	59847	273-2433	jsmpro@yahoo.com	3	5/31/2018
	Bob	Ensminger		114 Lakeside Drive	Lolo	MT	59847	273-5403	gemet2@msn.com	3	5/31/2018
									ramspotter@bresnan.net	3	5/31/2017

Seeley Lake				PO Box 30	Seeley Lake	MT	59868				
	Klaus	von Stutterheim		2525 Horseshoe Hills Trail	Seeley Lake	MT	59868	H: 677-3132. C: 917-697-5120	kvs@kvs.org	3	5/31/2016
	Cathy	Kahnle		PO Box 660	Seeley Lake	MT	59868	H: 677-8500, C: 531-4152	cathy@kahnlelaw.com	3	5/31/2017
	Ken	Barber		PO Box 1487	Seeley Lake	MT	59868	677-6715	kbarber@montana.com	3	5/31/2017
	Jan	Guelff		PO BOX 805	Seeley Lake	MT	59868	677-3103	jguelff@seeleylakecommunitycouncil.com	3	5/31/2015
	Jack	Greenwood	Vice Chair	PO Box 400	Seeley Lake	MT	59868	677-2639	jgreenwood@seeleylakecommunitycouncil.com	3	5/31/2016
	Chris	Stout	Chair	PO BOX 1246	Seeley Lake	MT	59868	H:677-6790 W: 677-2265	cstout@seeleylakecommunitycouncil.com		5/31/2018
	Duane	Schlabach		PO Box 280	Seeley Lake	MT	59868	210-2990	dschlabachsle@blackfoot.net	3	5/31/2016
Swan Valley				PO Box 1156	Condon	MT	59826				
	Kenneth	Donovan		PO BOX 996	Condon	MT	59826	H: 754-2614 W: 754-5647	info@nordiquelohomes.com	3	5/31/2015
	Dwayne	Forder	Chair	PO Box 1096	Condon	MT	59826	754-2343	dwayneforder@hotmail.com	3	5/31/2016
	Cilla	Moseley		5436 MT Hwy 83	Seeley Lake	MT	59868	754-3209	moseley104@hotmail.com	3	5/31/2016
	Marcia	Tapp		6488 Highway 83	Condon	MT	59826	754-0016	marcialtapp@yahoo.com	3	5/31/2017
	Kathy	Koors		PO Box 1043	Condon	MT	59826	754-2593	kathleenkoors@blackfoot.net	3	5/31/2018
West Valley				PO Box 14	Frenchtown	MT	59834				
	Jeri	Delys	Chair	15795 Lefler Ln	Frenchtown	MT	59834	626-5336 or 880-4080	jeri@centric.net	3	5/31/2016
	Colbert	Howell	Treasurer	7501 Gardenia Dr	Missoula	MT	59808	728-2216	gardeniamt@aol.com	2	5/31/2017
	Caryn	Miske	Secretary/Treasurer	19420 Houle Creek Rd	Frenchtown	MT	59834	240-3453	cmiske@mt.gov	1	5/31/2016
	Larry	Popp		16020 Circle View Drive	Frenchtown	MT	59834	529-2539	twoleesranch@gmail.com	3	5/31/2017
	Judy	McKinney		18427 Mullan Road	Frenchtown	MT	59834	626-0148	judy.h_mcconcrete@yahoo.com	3	5/31/2017
*last updated June 2015											