

BYLAWS OF THE _____ COMMUNITY COUNCIL

Article 1

Authorization

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

Article 2

Statement of Purpose

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

Article 3

Definitions

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

Article 4

Duties and Responsibilities

- I. The _____ Community Council shall have the duty and responsibility to:
- Serve as a purely advisory panel with no power to levy taxes or impose its will upon the citizens of the _____ community.
 - Promote the purposes described in Article 2, by facilitating communication with and among the various boards that govern the _____ community infrastructure, namely: _____ School District, _____ Rural Fire District, and any other government entity within the boundaries of the community.
 - Communicate regularly with the citizens of the _____ community through printed and/or social media, town meetings (see Article 7, Section III), and any other means deemed necessary as approved by the council or desirable in order to obtain the opinions, comments and suggestions regarding issues which are of concern to the _____ community.
 - Attend meetings of the Missoula Board of County Commissioners and other county boards and commissions and any other meetings where issues of importance to the _____ community will be discussed. Attendance may be by the entire council (with public notice) or a designated representative.
 - Consult with county planning staff, regarding potential development or update of an area plan, including the adoption process and plan implementation.
 - Keep a record of all acts, meetings, and monies received and disbursed by the Council. Meeting agendas and minutes must be filed with the Clerk and

Recorder's Office within 30 days after the minutes have been approved by the board.

- g. Make an annual report to the commissioners concerning the activities of the council during the previous year.
- h. All members are required to complete the online board training at the beginning (first 30 days) of each new term.
- i. Councils and council members may refer to the Missoula County Community Council Handbook for additional information on County policies, expected duties and responsibilities, and council operations.

Article 5

Election and Appointment

- I. Number and Composition:
 - a. The total number of council members shall be five (5) or seven (7). Council members shall be residents of (Community Council boundary) as defined herein.
 - b. Up to two alternates may be elected during the regularly scheduled special district election.
- II. Selection and Term:
 - a. Five (5) or seven (7) council members shall be elected following the procedures set forth in MCA 13-1-104(3) and 13-1-401.
 - b. The terms of the council members shall be staggered so that approximately one-third of membership is up for election at one time.
 - c. The initial terms for members shall be determined by the commissioners so that:
 - i. A five (5) member council will have: two (2) members with one-year terms, two (2) members with two-year terms, and one (1) member with a three-year term;
 - ii. Or a seven (7) member council will have: two (2) members with one-year terms, two (2) members with two-year terms, and three (3) members with a three-year term.
 - d. Thereafter, the term of office shall be three (3) years. Community council member terms begin on June 1st and end on May 31st. A member's term begins upon their completion of the oath of office administered by an elected official or notary that witnesses the swearing in and concludes at the end of the designated term.
- III. Alternates:
 - a. Alternates are non-voting members of community councils. In the absence of one or more voting members of the community council meeting, the necessary number of alternates will serve as substitute voting members for that meeting.
 - b. Alternates are elected positions and shall be elected following the procedures set forth in MCA 13-1-104(3) and 13-1-401.
 - c. Terms for alternates should be staggered at creation so that no more than three members are up for election at any time.
 - d. If a council wants more than one alternate, one alternate should be designated 1st alternate and the other as 2nd alternate and elected as such. The 2nd alternate may serve as a voting member only if 2 or more regular council members are absent.
- IV. Resignations, Terminations and Vacancies:
 - a. Resignations from the council shall be in written form (either in letter or email) submitted to the council chair and commission. The effective date of resignation must be stated.
 - b. Membership may be terminated by a member's resignation, by a member ceasing to reside within council boundaries, or by failing to meet the obligations of their office.
 - c. Vacancies shall be filled by appointments by a qualified elector who has completed an application expressing their qualifications and interests in filling the vacancy and submitted it to the Missoula County Elections Office and Missoula Board of County Commissioners. After the applications have been validated by the Elections Office, the qualified elector(s) shall be appointed by the 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 bylaws 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.

Article 7

Meetings

- I. **Regular meetings:** The council shall fix the time and place for holding regular meetings and they shall be published according to legal requirements for such meetings. Notice of regular meetings shall have at least seven (7) days advance notice.
- II. **Special Meetings:** Special meetings of the council may be called by the chairperson or by a quorum. The chairperson shall give at least two (2) days advance notice to all members of any special meeting.
- III. **Remote/Virtual meetings:** Meetings may be held remotely on virtual platforms. All legal requirements regarding the public's right to participate and right to know apply to electronic meetings.
- IV. **Quorum:** A quorum shall consist of 50% plus one of the active membership of the council. No action of the council may be taken unless authorized by a quorum present at a regular or special meeting.
- V. **Rule of Order:** Roberts Rules of Order shall apply in all meetings of the council, except as expressly stated herein or unless the context requires otherwise.
- VI. **Open Meetings:** The council shall agree to comply with the Montana Open Meeting Law (M.C.A. 2-3-201 et seq.).

Article 8

Code of Ethics

- I. The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of public officers and employees. A council member or employee shall carry out their duties for the people of the _____ community.
- II. Any person whose conduct departs from their duty shall be liable to the people of the community.
- III. No council member or employee shall:
 - a. Disclose or use confidential information acquired in the course of their duties to further substantially their personal economic interest;
 - b. Accept a gift of substantial value or a substantial economic benefit tantamount to a gift. Pursuant to M.C.A. 2-2-104(1)(b) gifts to members will not exceed a value of \$50 in any fiscal year;
 - c. Acquire an interest in any business or undertaking which they have reason to believe may be directly and substantially affected to its economic benefit by official action taken by the council; and
 - d. Within six (6) months following the voluntary termination of their office or employment, obtain employment in which they will take direct advantage,

unavailable to others, of a matter or matters directly involved during their term of office or employment.

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

Article 9

Order of Business

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

Article 10

Communications

- I. **Personal Communications of Members:** Any individual member shall not sign written communications to others using the council name, unless approved by the council.
- II. **Informal Communications:** It is understood that informal discussions between individual members of the council and members of the community on various issues affecting the community will occur from time to time. It is the expectation that council members will report the content of these conversations to the rest of the council at the next regularly scheduled meeting in order to assure that the views expressed are known to the entire council.
- III. **Email Communications:** Council members are encouraged to create a personal email for council use only. Council discussion and decision making is prohibited via email communication. All email communication is public record and needs to be retained as such.
- IV. **Outside Agencies Communications:** Councils are only advisory to the county commissioners and have no authority to advise tribal, state, federal or other entities on projects, grants or other policies. If councils wish to comment on any project, be it county, tribal, state, federal or other, councils are limited to provide those comments to the county commissioners who may then advise the other entities accordingly. Councils should not directly comment to other agencies but should provide recommended comments to the county commissioners.

Article 11

Financial Management

- I. **Funding:** Community councils may receive operating funds from the county on an annual basis. County granted operational funds are intended for administrative expenditures only. Councils with less than \$1000 in their accounts will be funded by Missoula County enough to bring them up to a \$1000 balance for the beginning of

each fiscal year. Any proposed special projects and donations outside of this purpose shall be brought before the commission for consideration and approval

- a. Community Council Mini-Grants: Additional funds will be available in a Missoula County Community Grants Fund that can be applied for on an as needed basis.
 - b. Community councils cannot receive other grant funds except when a county department administers on their behalf or another community entity does so.
- II. Compensation for Services: Council members agree to serve without compensation.
 - 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. Councils will submit electronic versions of agendas and approved meeting minutes to the Missoula County Clerk and Recorder.

Article 12

Committees

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

Article 13

Legal Assistance

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

Article 14

Amendments

- I. Amendments to the bylaws may be introduced by any member of the council at regular or special meetings called for that purpose. All amendments proposed must remain consistent with the bylaw template and amended resolution 2008-155, be in writing and approved by the Missoula Board of County Commissioners before they are adopted.

Article 16

Severability

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

Article 17

Adoption

The following bylaws were approved by the _____ Council ____; Missoula County staff, and the Missoula Board of County Commissioners on the __ day of _____,

Community Council:	Board of County Commissioners:	Approved As To Form:
_____	_____	_____
Chairperson	Chairperson	Deputy County Attorney
_____	_____	_____
Vice Chairperson	Commissioner	Attest:
_____	_____	_____
Treasurer	Commissioner	Clerk and Recorder
_____		_____
Council Member		

Council Member		