

# Montana Local Government Board Handbook

*A Guide to Serving on Boards, Districts, Commissions and Committees*

2016 Edition



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# INTRODUCTION

This 2016 edition of the Montana Local Government Board Handbook is the result of new faces and energy at the Montana State University (MSU) Local Government Center (LGC). With additional editorial assistance from LGC Director Dan Clark and Associate Director Blake Christensen, this newly-revised and expanded Handbook is the result of nearly 10 years of work teaching across Montana, addressing questions from board members and elected officials, and reviewing and evaluating curricula used in other states. For this new edition, we have again assembled a group of highly-qualified Montana State University Extension educators and other professionals with experience and motivation to write and teach on the subject of local government board governance.

This updated Handbook contains five sections. The first section contains a summary of the principal boards in Montana, explanation of general board statutes, use of resolutions guiding boards, and statutes pertaining to special districts. The second section presents information on how to serve on a board including short summaries of pertinent laws in Montana including open meetings, code of ethics, nepotism, discrimination, wrongful discharge, *ex parte* consultations, and board liability. Section three offers guidelines for conducting board meetings with an emphasis on parliamentary procedure, ground rules, facilitator competencies, and use of by-laws. The fourth section addresses leadership and team building techniques. Last, section five describes each board in terms of creation, purpose, membership, authority, and funding with citations for the appropriate title, chapter and part of the Montana Code Annotated (MCA). Links to web sites are provided throughout the handbook, with excerpts and links directly to the MCA presented by Title-Chapter-Part. For complete detailed information, users should carefully study the MCA or the specific resolution pertaining to the board and always consult with relevant, competent, and appropriate legal counsel.

There are many boards, districts, commissions and committees in Montana, each with varying responsibilities and powers.<sup>1</sup> Some boards are made up of members appointed by the Governor or local government officials, others are elected by voters, while still others are made up *ex officio* by local government officials. Some boards can levy mills and issue bonds while others are purely advisory in nature with no decision making authority. Some boards are quasi-judicial and can exercise judgment and discretion by granting, denying or determining legal rights and privileges while others have no ability to adjudicate disputes. Some serve at the state level, some are termed “special districts” and considered distinct government units by the U.S. Census Bureau, while others are termed “subordinate agencies” and not counted as separate government entities even though referred to as “districts.” Some function only in municipalities, others at the county or state level and some are multi-jurisdictional. In short, there is little consistency and often misunderstanding regarding the authority, responsibility and jurisdiction of the myriad boards, districts, commissions and committees in Montana. While it is not possible to avoid all controversy, board members can minimize disagreement and ineffectiveness in procedure, process and outcome through familiarity with the Montana Code Annotated<sup>2</sup> and by being knowledgeable of techniques to improve interactions on a board or with the public.

Boards, districts, committees, or commissions are a common means of interaction between citizens and elected officials on a host of topics and issues. As a board member, you represent the interests of many citizens who may be affected by your actions or those of your fellow board members. Serving on a board carries responsibility; you need to know how much decision making authority your board has, how to recruit new members, the financial resources of your board, how to most effectively run your board meetings, and how Montana’s statutes such as the code of ethics, discrimination, wrongful discharge and open meetings law apply.

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<sup>1</sup> All boards, districts, commissions and committees are referred to simply as ‘boards’ throughout this document. A board, district, committee, or commissions can all be interpreted to be an “agency” defined in MCA 2-3-102(1), as “any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts.” A “rule” means “any agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of any agency” (2-3-102(3)).

<sup>2</sup> The entire text of the Montana Code Annotated in a searchable format is available on-line at: [http://leg.mt.gov/bills/mca\\_toc/index.htm](http://leg.mt.gov/bills/mca_toc/index.htm).

The information presented here attempts to describe and clarify many of the complex issues confronting boards in Montana. This document applies to those boards and membership thereof that are:

1. appointed and/or with oversight by local governments and,
2. open to membership to citizens in addition to local government officials and,
3. authorized and described in the Montana Code Annotated (MCA).

Serving on or interacting with the myriad boards, districts, commissions and committees in Montana offers some of the best opportunities to practice and nurture the democratic ideals we all hold dear. Understanding how to more effectively serve on a board will allow board members, local government officials and citizens to better interact and cooperate and in so doing, sow the seeds of good governance.

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March 5, 2016

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## 1. OVERVIEW OF BOARDS, DISTRICTS, COMMITTEES, OR COMMISSIONS IN MONTANA

In contrast to county or municipal forms of local government (that are multi-purpose governing structures performing a wide range of direct service delivery and regulatory functions), most boards, districts, commissions and committees are single-purpose entities that perform a specific function or provide a particular service. Boards can also consolidate different government responsibilities to increase efficiency. In addition, two or more local governments may provide for joint boards to be established by interlocal agreements. Many boards are mandatory while others are created at the discretion of the governing body.

There are 1,265 distinct local governments in Montana as defined by the US Census.<sup>3</sup> These entities include county, municipal, school district, and special district governments.<sup>4</sup> School districts and certain special districts can function with many of the same powers of local governments. Some districts are special taxing areas and may be governed by an appointed or elected board.<sup>5</sup> However, most boards, districts, committees, or commissions have more limited responsibility or authority and thus are considered subordinate agencies of the state or of local governments.

There are 763 special districts in Montana.<sup>6</sup> Many special districts are counted as local governments by the U.S. Census Bureau with three attributes:

1. Organized entity (possession of some corporate powers such as the right to sue and be sued),
2. Governmental character (requirements for public reporting or for accessibility of records to public inspection) and,
3. Substantial autonomy (considerable fiscal and administrative independence such as determining taxes to be levied and using debt without review by another local government).<sup>7</sup>

Some districts have autonomous governing boards, but their funding may depend on approval by the appropriate governing authority. If districts are not governed by an appointed or elected board, the local government officials *ex officio* administer board duties. Table 1 presents information on the principal boards, districts, commissions and committees in Montana.

<sup>3</sup> U.S. Census Bureau. 2012. Census of Governments <http://www2.census.gov/govs/cog/2012isd.pdf>

<sup>4</sup> There are two consolidated city-county government structures that operate as one government; Anaconda-Deer Lodge and Butte-Silver Bow are classified under Montana law both as counties and as municipalities. However, Anaconda Deer Lodge and Butte-Silver Bow are each counted only once for census purposes as municipal governments rather than as county governments.

<sup>5</sup> A special district is defined in 2-2-102(9) as a unit of local government, authorized by law to perform a single function or a limited number of functions. The term also includes any district or other entity formed by interlocal agreement. For more detail of special districts, see 7-11-1001.

<sup>6</sup> U.S. Census Bureau. 2012. Census of Governments <http://www2.census.gov/govs/cog/2012isd.pdf>

<sup>7</sup> Ibid

**Table 1: Principal Boards, Districts, Committees, or Commissions in Montana**

<b>Name</b>	<b>Montana Code Annotated (Title-Chapter-Part)</b>
<b>Airport</b>	
Airport Appeals Board	67-7-302
Airport Board	67-10-201
Municipal Airport Authority	67-11-102
Regional Airport Authority	67-11-103
<b>Economic Development / Infrastructure</b>	
Business Improvement Districts	7-12-1111
Rural Improvement Districts	7-12-2101
Special Improvement Districts	7-12-4101
Television District	7-13-2501 (Repealed)
Local Port Authority	7-14-1101
Regional Port Authority	7-14-1102
Local Improvement Districts	7-14-2710 (Repealed, see 7-11-1001)
Technology District	7-15-4295 (Repealed, see 7-15-4279)
Industrial Districts	7-15-4299 (Repealed, see 7-15-4279)
Museum and Facilities for the Arts Board	7-16-2201 (Repealed, see 7-11-1001)
<b>Elections</b>	
Board of County Canvassers	13-15-401
<b>Fair</b>	
Fair Commission	7-21-3401 (Repealed, see 7-11-1001)
Multi-County Fair Districts	7-21-3421 (Repealed, see 7-11-1001)
Joint Fair and Civic Center Commission	7-21-3451 (Repealed, see 7-11-1001)
<b>Fire</b>	
Fire Hydrant Maintenance Districts	7-12-4601
Rural Fire Districts	7-33-2101
Fire Service Area	7-33-2401
<b>Governance</b>	
Community Councils	7-3-223, 317, 417, and 516
County Compensation Board	7-4-2503
<b>Health</b>	
Solid Waste Management District	7-13-201 (Repealed, see 7-11-1001)
Hospital Districts	7-34-2101
Health Care Facilities Commission	7-34-2202
County Boards of Health	50-2-104
City Boards of Health	50-2-105
City-County Boards of Health	50-2-106
District Boards Of Health	50-2-107
<b>Housing and Building</b>	
County Building Commission	7-8-2103
County Housing Authority	7-15-2101
Municipal Housing Authority	7-15-4401
<b>Land Use and Planning</b>	
County Board of Park Commissioners	7-16-2301
County Park District	7-16-2411 (Repealed, see 7-11-1001)
Municipal Board of Park Commissioners	7-16-4201
Cemetery Districts	7-35-2101 (Repealed, see 7-11-1001)

<b>Name</b>	<b>Montana Code Annotated (Title-Chapter-Part)</b>
<b>Land Use and Planning</b> <i>(continued)</i>	
County Tax Appeal Board	15-15-101
County Planning Board	76-1-101
City Planning Board	76-1-101
City-County Planning Board	76-1-101
Joint or Consolidated Planning Boards	76-1-112
County Planning and Zoning Commission	76-2-101
County Zoning Commission	76-2-201
County Zoning Board of Adjustment	76-2-221
Municipal Zoning Commission	76-2-301
Municipal Zoning Board of Adjustment	76-2-321
Open Space Commission	76-6-101
Conservation District	76-15-101
<b>Library</b>	
Library Board	22-1-308
Public Library District	22-1-701
<b>Livestock and other Animals</b>	
Rodent Control District	7-22-2210 (Repealed, see 7-11-1001)
Mosquito Control Board	7-22-2411 (Repealed, see 7-11-1001)
Grazing District	76-16-101
Livestock Protective Committee	81-6-101
Cattle Protective District	81-6-201
<b>Schools</b>	
Elementary School Districts	20-6-201
High School Districts	20-6-301
K-12 School Districts	20-6-701
<b>Taxation</b>	
Resort Area District	7-6-1532
County Land Advisory Board	7-8-2701
<b>Transportation</b>	
Urban Transportation District	7-14-201
Transportation Improvement Authority	7-14-1001
Railway Authority	7-14-1601
Parking Commission	7-14-4601
Aerospace Transportation and Technology District	7-15-4296 (Repealed, see 7-15-4279)
County Transportation Committee	20-10-131
<b>Water</b>	
Regional Resource Authority	7-10-101
Metropolitan Sanitary and/or Storm Sewer District	7-13-101
County Water and/or Sewer District	7-13-2203
Local Water Quality District	7-13-4504
Regional Water and Wastewater Authority	75-6-302
Irrigation District	85-7-101
Drainage District	85-8-101
Conservancy District	85-9-101
<b>Weed</b>	
Weed District	7-22-2102

## General Board Statutes

County boards and certain special districts (7-11-1002, 7-11-1021) are guided by the general board statutes (7-1-201).<sup>8</sup> Municipalities and school boards are not specifically governed by the general board statutes, but instead are guided by specific statutes in the Montana Code Annotated (MCA), or by resolution passed by the authorizing governing body or both.

The general board statutes require a resolution be passed with a statement that details the purpose, authority and membership of the boards (7-1-201). The resolution creating the board must grant the board the powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the board. The powers can be quasi-judicial to exercise judgment and discretion by granting, denying or determining legal rights and privileges. Members can be appointed, elected or, if the minimum number of qualified persons is not available for membership, the county commissioners may, by resolution at a public meeting, serve as board members (7-1-203). However, county commissioners may not receive additional compensation. Most boards with elections hold them according to Montana's general election laws (13-1-101). Unless specifically outlined in the statute describing the board, the following rules apply to county boards: terms of all members (except elected members) may not exceed 4 years; a board must consist of a minimum of 3 members and must have an odd number of members, and; a member must be a resident of the county to be eligible for appointment to a board (county commissioners may prescribe by resolution additional qualifications for membership). Members must be appointed by the county commissioners who must post prospective membership vacancies at least 1 month prior to filling the vacancy (7-1-201(5)). Under the general board statutes, no boards may pledge the credit of the county or impose a tax unless specifically authorized by state law (7-1-201).

The MCA does not contain a specific counterpart to the general board statutes that applies to municipal boards. The governance of boards in municipal setting depends on the form of government. In commission-executive form of government, the executive of a municipality shall “enforce laws, ordinances, and resolutions” and “appoint, with the consent of the commission, all members of boards, except the executive may appoint without the consent of the commission temporary advisory committees established by the executive” (7-3-203).

In commission-manager form of government with general government powers, “all members of boards, other than temporary advisory committees established by the manager, must be appointed by the commission” (7-3-312 and 7-3-114). The manager shall “enforce laws, ordinances, and direct, supervise, ...and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance (7-3-304). In commission-manager forms of government with self-government powers, “all members of boards, other than temporary advisory committees established by the manager, must be appointed by the presiding officer with the consent of the commission or ...the manager with the consent of the commission” (7-3-312 and 7-3-114).<sup>9</sup>

For commission-presiding officer form of government, the presiding officer “shall appoint, with the consent of the commission, all members of boards and committees. However, the presiding officer may appoint without the consent of the commission temporary advisory committees” (7-3-503). For town meeting form of government, the town presiding officer is the chief executive officer of the town and shall “appoint, with the consent of the town meeting, members of all boards and appoint and remove all employees of the town” (7-3-606).

For commission form of government, as is the case with most counties, “the commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials (7-3-401) and “supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county” (7-4-2110).

There may be some ambiguity regarding a general definition of a board member; some may be considered to be a ‘public officer’ (“any elected officer of a local government”) or ‘public employees’ (“a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority,” 2-2-102)

<sup>8</sup> While the text of the general board statutes (7-1-201) suggest that it may be directed generically towards local governments ( i.e. municipalities and counties), the intent likely pertains only to counties. In subsection 17, the statute states, “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.”

<sup>9</sup> For more information on general versus self-government powers, see Montana Constitution, Art. XI, Sec. 4-6. Governments with self-government powers may choose alternative methods of establishing and governing boards as outlined in their charters.

serving with an ‘agency’ (“any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts,” 2-3-102). Regardless of whether board members are serving in special districts, or part of a municipal or county board, and regardless of any salary or financial compensation, it is clear that members are subject to Montana’s Right to Know and Right to Participate statutes including the Code of Ethics (2-2-104) and open meetings laws (2-3-101).

## Oath of Office

The issue of Oath of Office is often raised for new board members. The Montana Constitution contains the following provision: “Members of the legislature and all executive, ministerial and judicial officers, shall take and subscribe the following oath or affirmation, before they enter upon the duties of their offices: ‘I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God).’ No other oath, declaration, or test shall be required as a qualification for any office or public trust” (Art III, Sec. 3).

There are also references to Oath of Office in the sections of the MCA pertaining to municipalities and counties that reference elected and appointed officials and officers. In 7-1-4137, “Every elected and appointed municipal officer shall take the oath of office prescribed in Article III, section 3, of the Montana constitution. Before the officer performs any official duties, the oath of office, certified by the official before whom the oath was taken, must be filed.” In this context, an “officer” is defined in 7-1-4121 as a “person holding a position with a municipality that is ordinarily filled by election.” In a county context, 7-4-2205 states, “Each person elected to an office . . . take the oath of office on or before the last business day of December following the officer’s election.” County officers are defined in 7-4-2203.

It is important to recognize the distinction between appointed board members and elected board members. Those holding an elected office should take the oath of office by virtue of holding the office. Those appointed to serve on boards, should not. They are not “officers.” As with many other aspects of board governance, it is best to check with legal counsel regarding how to meet this provision.

## Resolutions Guiding Boards

Under the general board statutes (7-1-201), resolutions creating county boards must explicitly define the role and scope of the board and must specify,

1. the number of board members,
2. the terms of the members,
3. whether members are entitled to mileage, per diem, expenses, and salary, and,
4. any special qualifications for membership in addition to those established by law (7-1-201).

The general board statutes also specify that 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 specifies otherwise. The resolution creating a board may provide for voting or nonvoting *ex officio* members. The resolution must also contain, if applicable, budgeting and accounting requirements for which the board is accountable.

While municipal, school district, and certain special districts are not subject to the general board statutes, the resolution or enabling legislation establishing or requiring the board should be required reading for all new members. The best boards assign a member as a watchdog to make sure these requirements are met.

## Special Districts

The creation and governance of certain special districts are now detailed in 7-11-1001. Since 2009, this part of the MCA now provides detailed and uniform information on special districts regarding their creation, administration, alteration, and dissolution. The statutes do contain a savings clause and thus do not affect current special districts, but do contain exceptions, for example, when boundaries are altered, or when the method of assessment is changed. The statute (7-11-1002) does *not* include the following special districts:

- business improvement districts
- cattle protective districts
- conservancy districts
- conservation districts
- water and sewer districts
- planning and zoning districts
- drainage districts
- grazing districts
- hospital districts
- irrigation districts
- library districts

The statutes (7-11-1002) do include but are not limited to the following special districts:

- cemetery districts
- museum districts
- park districts
- fair districts
- solid waste districts
- local improvement districts
- mosquito control districts
- multijurisdictional districts

### Creation of Special Districts

The authorization to create a special district can be initiated by resolution of governing body or initiated by petition (7-11-1003) which requires 25% of the registered voters or 25% of the owners of real property. The statute specifies the petition contents. Once the creation process is initiated, the processes are the same. The boundaries must be mapped, which requires that a surveyor prepare the legal description of the boundaries (7-11-1006). The boundaries must as far as practical follow existing boundaries.

At least one public hearing must be held prior to passage of a resolution of intent to create the district (7-11-1007). Notice of the hearing must be published in accordance with 7-1-2121. Notice of the hearing must be mailed to all owners of property subject to potential assessment, fees, or taxation. The contents of the resolution must designate the proposed name of the district, a statement of necessity, a general description and boundary of territory or lands to be included, the general character of the proposed service or improvements, the estimated cost and method of assessment, any requirements specific to the type of district being proposed, (i.e. solid waste), whether the district will be administered by governing body or board, and whether members will be appointed or elected (7-11-1007). An owner of property subject to assessment may protest (7-11-1008).

### Administration of Special Districts

The special district may be administered by the governing body or by an appointed or elected board (7-11-1021). Specific powers delegated and powers withheld must be stated. While the governing body may grant additional powers to the board, *the governing body has ultimate authority* (7-11-1021(2)c). If the special district will be administered by a board, the board must be established in accordance with the general board statutes (7-1-201).

The administrative entity of the special district may implement programs, administer budgets, employ personnel, purchase, rent, lease property and equipment, and cooperate with any corporation, association, individual, group, including governmental entities or agencies. In addition, any combination of units of local government may jointly create special districts which must be administered in accordance with an interlocal agreement (7-11-1022).

#### Alteration of Special Districts

Special Districts may be altered but not more than once per year (7-11-1023). The alteration cannot affect indebtedness at the time of alteration. The governing body shall assess the percentage of the cost of the program or improvements (7-11-1024). The method of assessment can be by area, equally by lot or parcel, taxable value, lineal front footage, vehicle trips, family residential unit / business units, or any combination of methods. The governing body shall annually estimate cost of program and must allow for protests.

When an assessment is considered erroneous, a person may file an appeal to the administrative board of the district prior to the assessment becoming delinquent. If an appeal is filed and the board finds in favor of the taxpayer, the board shall order the assessment removed or refunded. If the board does not find in favor of the taxpayer and if a payment was made under protest or the taxpayer makes a payment under protest before the assessment becomes delinquent, the taxpayer may initiate an action in court. Subsection (2) details the process of initiating an action in court (7-11-1027).

#### Dissolution of Special District

A special district may be dissolved upon a finding that its purpose has been fulfilled and that the district is no longer needed (7-11-1029). The dissolution may be initiated by the governing body or administrative board and may be protested. Dissolution does not relieve property owners of assessment and payment sufficient to liquidate all charges existing.

## 2. LEGAL ISSUES FOR BOARDS

Serving on a board requires competence of both procedure and process in order to meet the letter of the law and instill a sense of trust and credibility. The section below describes several of the more significant aspects of serving on a board including Montana's open meetings law, code of ethics, nepotism, discrimination, ex parte consultation, and liability.

### Right to Know, Right to Participate

*By Paul Lachapelle*

Montana's "sunshine laws" are described as among the most stringent in the nation.<sup>10</sup> These laws are outlined in Article II Section 8 (Right of participation) and Section 9 (Right to know) of the state's constitution.<sup>11</sup> In Title 2, Chapter 3, Public Participation in Governmental Operations, the Montana Code Annotated (MCA) describes provisions of the required "Notice and Opportunity to be Heard" in Part 1, and "Open Meetings" in Part 2. The open meetings law affords "reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency" (2-3-201). The open meetings laws apply to all advisory boards, commissions, committees, and districts.<sup>12</sup>

### Open Meetings Law

The language is clear in the MCA that any legal interpretation of the open meetings laws will be liberal. The language of the code is clear and unambiguous in 2-3-201: "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."

There are four essential elements in the open meetings law:

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

The issue of whether the right to know and participate provisions apply to organizations such as a local chamber of commerce. The MCA contains language that references "organizations or agencies supported in whole or in part by public funds" (2-3-203). Additionally, the Montana Attorney General determined that, "The meetings of a local chamber of commerce or other organization recognized and acting as a nonprofit convention and visitors bureau which receives and spends bed tax funds must, as they pertain to the receipt and expenditure of bed tax monies, be open to the public in accordance with section 2-3-203, MCA." (44 A.G. Op. 40 (1992)).

### Notice and Opportunity to be Heard

Each board must develop procedures and adopt rules to facilitate public participation in decisions that are of significant interest to the public (2-3-103). The procedures include a schedule of regular meeting times and agenda prepared and posted sufficiently in advance to provide notice of the topics to be discussed and actions to be considered. The public must also be afforded a reasonable opportunity to offer information and opinions,

<sup>10</sup> Weaver, K. L. and P.R. Lachapelle. 2010. *Governing Montana at the Grass Roots: Local Government Structure, Process and Politics* (3rd ed.). Bozeman, MT: MSU Extension. 333 pages.

<sup>11</sup> Article II, Section 8. Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law. Section 9. Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

<sup>12</sup> Opinions of the Attorney General. 2005. Montana Department of Justice, Legal Services Division. 51 Op. Att'y Gen. No. 12. The opinions carry the weight of law, unless they are overturned by a court or the legislature changes the law or laws involved. <https://doj.mt.gov/wp-content/uploads/2005/01/51-012.pdf>

either orally or written, before final decisions are made. A matter of significant public interest is defined as one “involving any non-ministerial decision or action...which has meaning to, or affects a portion of the community.”<sup>13</sup> Discrepancies as to whether a meeting is of a significant public interest should always err on the side of transparency and opportunities for public participation. Regarding the amount of time required for noticing a meeting, the Attorney General has opined that, “Forty-eight hours is generally considered sufficient to notify the public of contemplated action. ...The amount of notice given should increase with the relative significance of the decision to be made.”<sup>14</sup> It is critical to follow the established procedures and to make the procedures known to the public. There is no violation in the law by giving more notice or opportunity to be heard than is required.

The agenda for a meeting, as defined in 2-3-202, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the board’s jurisdiction. However, the board may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. There are exception to the noticing statutes and include those that involve a decision that must be made to deal with an emergency situation affecting the public health, welfare, or safety or a decision involving no more than a ministerial act (2-3-112).

For municipalities, there is additional statutory language that states, “In any meeting required to be open to the public, the governing body, committee, board, authority, or entity shall adopt rules for conducting the meeting, affording citizens a reasonable opportunity to participate prior to the final decision” (7-1-4143). Cities and towns are required by statute to specify by resolution a public location for posting and provide a posting board. When notice is required, the document must be placed on the board and a copy made available at the municipal office (7-1-4135).

Board members should note that meetings can be statutorily different than hearings regarding the noticing requirements. See the specific statutes describing your board and the corresponding publication or mail requirements (for example, 7-1-2121 and 7-1-2122 for counties, and 7-1-4127, 7-1-4129 and 7-1-4131 for municipalities).

### Meeting Minutes

The MCA states that appropriate minutes of all meetings shall be kept and be available for inspection by the public (2-3-212). The minutes must include the following:

- date, time, and place of the meeting;
- a list of the individual members of the public body, or agency in attendance;
- the substance of all matters proposed, discussed, or decided;
- and at the request of any member, a record by individual members of any votes taken.

In addition, public comment received at a meeting must be incorporated into the official minutes of the meeting (2-3-103). For municipalities, there is additional statutory language about “copying” that states, “Appropriate minutes shall be kept of all public meetings and shall be made available upon request to the public for inspection and copying” (7-1-4141).

The MCA also states that, “any time a presiding officer closes a public meeting pursuant to 2-3-203, the presiding officer shall ensure that minutes taken in compliance with subsection (2) are kept of the closed portion of the meeting. The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order” (2-3-212).

The MCA states that if an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting but a written record of the meeting must also be made available for inspection. A log or time stamp for each main agenda item is also required (2-3-212). There is no distinction in the MCA between draft minutes and approved minutes (those accepted by the body).

Boards should submit the minutes of its proceedings within 30 days after the minutes have been approved by

<sup>13</sup> Opinions of the Attorney General. 1998. Montana Department of Justice, Legal Services Division. 47 Op. Att’y Gen. No. 13 <https://doj.mt.gov/wp-content/uploads/1998/01/47-013.pdf>.  
<sup>14</sup> Ibid

that body for electronic storage and retention in accordance with the provisions of 2-6-12. More information about this provision is in 7-1-204 and 7-11-1030.

Below are some guidelines that are not part of the MCA but should be considered by every board:

1. Minutes are the official record of the proceedings of a deliberative assembly, board, or committee; they are also a historical document that will be accessible in perpetuity.
2. The minutes should contain a record of what was *done* at a meeting, not what was *said* by the members; however, generally more detail is better than less.
3. There should be a designated individual to take the minutes, be it the secretary or a staff member. Be sure to be familiar with procedures in the case of an absence.
4. There should be a method of approval of the minutes. For example, draft of minutes can be circulated among the members and interested parties for corrections and improvements before the next meeting and then a formal vote can take place at the subsequent meeting.
5. The body of the minutes should contain a separate paragraph for each subject matter.
6. Motions and decisions should be clearly stated (who made the motion, who seconded, and what is the final outcome).
7. Note all actions to be taken and by whom and business left pending.
8. Amendments or corrections should be done in red ink and not rewritten. Electronic minutes can use strikethrough or Track Changes functions.
9. The minute-taker should sit near chair or presiding officer so that they can hear clearly.
10. Note late arrivals and early departures.
11. Obtain copies of reports and include them with the minutes.
12. Ensure that the minutes are impersonal and do not contain comments like “heated,” “lengthy,” “moving.”
13. Write up or transcribe the draft minutes as soon as possible.
14. The secretary or recorder should sign the minutes, particularly when they are approved minutes. Consider adding some of these details to your bylaws or rules of procedure (see section: *Does our Board Need By-Laws?*).

## Privacy Issues

The Montana Constitution (Art. II, §10) states, “the right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.” While the open meetings law clearly provide for the right to know and right to participate, the presiding officer of any meeting may close a meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure (2-3-203). The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

The Montana courts employ a balancing test to determine whether individual privacy justifies closure of a meeting. The first part of the test is whether the individual has a subjective expectation of privacy; the second part is whether the expectation is one which society is willing to recognize. The question becomes whether protection of the private interest outweighs the merits of public disclosure.

Legal opinion has determined that certain personnel records could be closed, including matters related to family problems, health problems, employee evaluations, military records, IQ test results, prison records, drug and alcohol problems, and information “most individuals would not willingly disclose publicly.”<sup>15</sup> Individual privacy does not extend to such issues as salary or compensation paid a public employee, to a decision on the award of a contract, or to any other expenditure of public funds or mistakes made in the course of performing official duties. For municipalities, there is additional statutory language that states, “Personal records, medical records, and other records which relate to matters in which the right to individual privacy exceeds the merits of public disclosure shall not be available to the public unless the person they concern requests they be made public. ...

<sup>15</sup> Montana Human Rights Division v. City of Billings, 199 Mont. 434, 649 P2d 1283 (1982), Available at Montana Supreme Court: <http://searchcourts.mt.gov/>.

Except as provided by law and as determined by the chief law enforcement administrator, law enforcement records which relate to matters in which the right to individual privacy or law enforcement security exceeds the merits of public disclosure shall not be available to the public (7-1-4144).

Certain exceptions are detailed in 2-3-203 and also include whether the discussion relates to litigation when an open meeting would have a detrimental effect on the litigating position (this does not apply regarding litigation between two government agencies or bodies) or any judicial deliberations in an adversarial proceeding.

### Code of Ethics

Montana's Code of Ethics defines and prohibits conflict between public duty and private interest (2-2-101). In short, the statute establishes that board members cannot benefit personally or financially from their position stating, "The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state" (2-2-103).

Specifically, there can be no "business" conflicts, (includes a corporation, partnership, trust, foundation, or any organization, whether or not operated for profit), financial compensation, or "gifts of substantial value," generally defined as \$50 or more or of substantial value or economic benefit that would tend improperly to influence a board member to depart from impartial discharge of duties (2-2-102). The statute does not apply to a gift that is not used and returned within three days, food and beverages consumed while participating in events related to board duties, educational materials related to board duties, or an award publicly presented in recognition of public service.

Board members may not disclose or use confidential information obtained through the board that would benefit them personally or financially (2-2-104). Rules of conduct also dictate that a public officer may not use public time, facilities, equipment, supplies, personnel, or funds for private business purposes or, 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. Board members may not use public time, facilities, equipment, supplies or funds to determine the impact of passage or failure of a ballot issue on state or local government operations (2-2-121). There is also a disclose clause in the MCA that states, "Public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict" (2-2-131).

### Nepotism

Nepotism is defined as the bestowal of political patronage by reason of relationship rather than of merit (2-2-301). Board members may appoint to any position of trust or emolument any person related by "consanguinity within the fourth degree or by affinity within the second degree" (2-2-302). Relationship by affinity is defined as "the relation which one spouse has, by virtue of the marriage, to blood relatives of the other. Therefore, a person has the same relation by affinity to a spouse's blood relatives as a spouse has to them by consanguinity and vice versa. Degrees of relationship by affinity are computed in the same manner as degrees of relationship by consanguinity" (1-1-219). Agreements to appoint relatives to office are unlawful and considered a misdemeanor with fines of \$50 to \$1,000 and imprisonment up to 6 months (2-2-304). There are exceptions depending on the county population and other specific criteria (2-2-302).

### Ex Parte Communications

Issues associated with *ex parte* communications are prompting increased discussion and scrutiny in Montana. *Ex parte* consultations are regarded as a private, one-sided communication between a decision maker and a party or person concerning issues before the decision maker. While *Ex parte* communications are described in the Montana Administrative Procedures Act (MAPA) prohibiting agencies that make quasi-judicial decisions from receiving or engaging in *ex parte* consultations "except upon notice and opportunity for all parties to participate" (2-4-613), the MAPA does not apply to "units of local government" (2-4-102(2)(b)). More legal clarification pertaining to local governments and boards is likely forthcoming but in the meantime, these types are communications should be of particular concern for those serving in a quasi-judicial capacity.

For those board members serving in a quasi-judicial capacity, they should be sensitive to the types of private discussions they participate in and in particular, receipt of information or evidence. Legal counsel will advise the best course of action regarding if the information should be disclosed at a public meeting and for public record.

### Public Records Management

The MCA (2-6-1003) guarantees “every person” the right to examine and obtain a copy of any public information of this state. No person may be deprived of the opportunity to examine documents except when “the demand of individual privacy clearly exceeds the merits of public disclosure” (2-3-203).

Public record is defined as public information that is “fixed in any medium and is retrievable in usable form for future reference; and designated for retention by the state records committee, judicial branch, legislative branch, or local government records committee” (2-6-1002). The MCA states that “upon receiving a request for public information, a public agency shall respond in a timely manner,” records are available under the act for copying as well as inspection, and that a fee can be charged, again using the reasonable criteria (2-6-1006, see also 7-4-2631, and 7-4-4502).

### Reporting

While there is no general language requiring filing of reports for boards under county jurisdiction or special districts, there is additional statutory language for municipalities that states, “All departments, boards, and authorities shall file an annual report with the chief executive, who shall compile the reports and present them to the governing body” (7-1-4146). The chief executive may specify the “form, content, and deadline for filing reports” (7-1-4146(2)).

## Board and Board Member Liability

*by Paul Lachapelle*

Board members acting in good faith cannot be held personally liable if they are within the course and scope of their authority, act within the law and within established rules even if the law or rules are later determined to be unlawful (2-9-103). The state and other governmental entities (such as boards) are immune from being sued for exemplary or punitive damages (2-9-105) if they are within the course and scope of their positions. A board is not liable in a State tort action for more than \$750,000 a claim per person or \$1.5 million for each occurrence. Insurance policies are also not liable beyond this dollar limit unless the policy specifically provides coverage beyond this amount (2-9-108).

A board or board member enjoys immunity when carrying out a law, rule or policy created by a legislative body. In addition, the board is not liable for the lack or omission of a law or policy. This immunity does not include any tort committed by the use of a motor vehicle, aircraft, or other means of transportation. This immunity also does not include either personal or property damage caused by contamination to surface or ground water (2-9-111). Since all county officers and employees must be bonded, board members must have either an individual or blanket bond for the faithful performance of their duties. The bond should be provided by the county (2-9-701, 2-9-703).

In municipal settings, individuals who are elected or appointed officials (or volunteers under direct control of the municipality) and are acting on behalf of the municipality, typically maintain liability coverage when serving on committees, boards, commissions or special districts.

The MCA also contains specific text regarding the indemnification of “public officers and employees.” Specifically, these individuals cannot be “civilly sued for their actions taken within the course and scope of their employment” since, “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... committed while acting within the course and scope of the employee’s office or employment, the governmental entity employer... shall defend the action on behalf of the employee and indemnify the employee” (2-9-305).

It is important to note that committee, board, commission or special district members must be acting within the course and scope of their position and must be acting on behalf of the municipality. It is useful to have job descriptions for these positions to assist in identifying and/or clarifying course and scope.

## Human Resources Considerations

*by Betsy Webb*

Board members should also be aware of the various civil rights, discrimination and wrongful discharge laws pertaining to their involvement on the board. These statutes are detailed in the Montana Human Rights Act in MCA Title 49 and more specifically, in the Montana Governmental Code of Fair Practices (49-3-101).

### Discrimination

The Montana Human Rights Act provides guidance regarding discrimination. It is unlawful to discriminate in credit, education, employment, financing, housing, insurance, public accommodations, and state and local governmental services and employment. It is unlawful to discriminate because of age, marital status, national origin, physical or mental disability, race or color, religion or creed, sex (including pregnancy, maternity and sexual harassment), familial status (housing only) and political beliefs or ideas (public employees).

The laws also make it unlawful to retaliate against a person for opposing unlawful discriminatory practices or for participating in a human rights proceeding. Generally, complaints must be filed within 180 days of the date of the alleged discrimination under Montana law. More information about Montana's Discrimination laws is available through the Montana Human Rights Bureau.<sup>16</sup>

### Wrongful Discharge

Some boards may have individuals that are considered employees with specific responsibilities. The "supervisor" for a board employee should be detailed in the board resolution. Depending on the language in the statute or resolution for each board, the governing authority for board members will in many cases be the local government within which the board resides or will be outlined in an interlocal agreement between multiple local government bodies. The governing authority is responsible to ensure that board members are properly trained, supervised, evaluated and warned if not performing satisfactorily.

In Montana, an employee can be discharged only for good cause after completing the employer's probationary period. Good cause is defined as reasonable, job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer's operation, or other legitimate business reason. Board members should also be familiar with Montana's Wrongful Discharge from Employment Act (39-2-901). Do not rush into the discipline or dismissal of any employee or board member. If a board member is elected, the voting process is used to remove the member from office. If a board member is appointed, the appointing body may remove a board member. However, competent legal counsel should always be consulted prior to taking any action.

For termination purposes, management must show that the employee violated a specific policy, rule, performance requirement, or standard of employment and that the employee knew about the policy, rule, performance requirement, or standard of employment. During an employee's probationary period, employment may be terminated for any reason or no reason (but not for reason contrary to public policy such as discrimination).

Employers that have written personnel policies must follow those policies in making a discharge. An employee who wins a wrongful discharge suit may collect lost wages and fringe benefits for a period of up to four years from the date of discharge. Arbitration is encouraged to save the expense of lawsuits, and an employer may benefit if it offers arbitration to a discharged employee. An established grievance process can be an effective tool for minimizing claims of wrongful or constructive discharge/termination against Montana's local governments. The grievance process should be part of the written Personnel Policy Manual and all employees and supervisors should be instructed in its use upon hire.

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<sup>16</sup> The Montana Department of Labor and Industry is the state agency which enforces Montana's discrimination laws. The Human Rights Bureau of the Department receives and investigates complaints of discrimination. For more information, see: <http://erd.dli.mt.gov/human-rights>.

## Confidentiality

Before discussing confidential employee information, or releasing documents of a confidential nature, seek competent legal counsel. In Montana, each employee has a right to privacy of certain records.<sup>17</sup> If you are unsure whether a document is confidential or accessible to the public, consult competent legal advice.

Sometimes you can provide a citizen with information he or she seeks without allowing him or her to look at confidential portions of records. You can do this by reading the record yourself and giving the person information verbally or by photocopying the record and blocking out confidential portions. Board members may not use knowledge gained through their service to achieve personal gain for themselves or anyone else. Board members cannot disclose or use confidential information concerning their board service to advance personal or private interest.

## Additional Resources

Montana Association of Counties web site addressing personnel matters: <http://www.mtcounties.org/insurance/personnel-services>

Montana Municipal Interlocal Authority web site addressing personnel matters: <http://www.mmia.net/RiskManagement/tabid/226/Default.aspx>

Montana State Human Resources Division. <http://hr.mt.gov/newresources>

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<sup>17</sup> Montana Human Rights Division v. City of Billings, 199 Mont. 434, 649 P.2d 1283 (1982), Available at Montana Supreme Court: <http://searchcourts.mt.gov/>.

### 3. HOW TO MAKE YOUR BOARD MEETINGS MORE EFFECTIVE

Many boards rely on parliamentary procedure and Robert's Rules of Order to structure meetings and provide uniformity regarding interaction with the public. This section contains information on parliamentary procedure, Roberts Rules of Order, and the use of motions.

#### Preparing for your Meeting

*By Paul Lachapelle*

Preparing for your board meeting, and ensuring that board members have all of the necessary materials to be prepared for the meeting is critical. The agenda should be provided well in advance and as required in 2-3-103, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the board.

Board member packets can also be prepared and distributed to members prior to the meeting, and can contain the:

- Agenda
- Unapproved minutes from previous meeting
- Notes from members / governing body
- Committee and other reports
- Details of proposed actions
- Any supporting information (correspondence, reports, etc.)
- Other useful documents

The agenda can be structured as follows:

1. Roll Call
2. Approval of Minutes: These are the minutes from the previous meeting. The body should vote to approve without changes or approve with changes.
3. Public Comment: This is the time set aside for the public to comment on any subject over which the board has jurisdiction or regarding a agenda item. The subject does not have to be on the agenda but the council cannot act on anything during public comment. If council action is required the item must be placed on the next meeting agenda.
4. Old Business:
  - a. Officer reports: for example, the treasurer may have a report to provide and explain
  - b. Committee Reports: these can include a report of current activities or special committee reports
5. New Business:
  - a. Approval of consent items if any; these are routine items, voted on in a single motion to approve
  - b. Other scheduled matters
6. Unscheduled matters / Concerns: This is a time when members can bring a concern forward before the body that is not otherwise listed on the agenda. No action can be taken at this time.
7. Adjournment

#### Parliamentary Procedure and Robert's Rules of Order

*By Dan Clark*

Parliamentary procedure is a method used to assist deliberative democratic assemblies in conducting meetings by using explicit rules and relying on transparency and consistency. These rules allow participants in a meeting the chance to be heard while maintaining order. Parliamentary procedure provides an important tool to ensure that decisions are reached in an orderly, equitable and deliberative manner. The general principles of parliamentary procedure are based on the will of the majority, the right of the minority to be heard, protection of the rights of absentees, courtesy and justice for all, and consideration of one subject at a time. Robert's Rules of Order provide a common language that incorporates these principles to conduct a meeting.

Robert's Rules of Order originated from U.S. Army General Henry M. Robert in 1876 to assist deliberative democratic assemblies in conducting meetings. While procedures used by U.S. legislative bodies in this period loosely followed English Parliamentary Law, the various legislative bodies revised and interpreted these procedures inconsistently, often causing confusion. Robert's interest in creating rules came from frustration while attempting to serve on a church board. He felt he lacked knowledge on proper procedures and found little published information on the subject and subsequently published the *Pocket Manual of Rules of Order for Deliberative Assemblies*.

Robert's Rules of Order have subsequently been revised and updated.<sup>18</sup> The current edition of the series is *Robert's Rules of Order Newly Revised* (often referred to using the initials *RONR*) and supersedes all previous editions to become the parliamentary authority in organizations whose bylaws prescribe "Robert's Rules of Order," "Robert's Rules of Order Revised," "Robert's Rules of Order Newly Revised," or "the current edition of" any of these titles, without specifying a particular edition. Robert's Rules is the most widely used parliamentary authority in the United States.<sup>19</sup> All of the recommended procedures in Robert's Rules of Order can be modified to fit the specific needs of any organization.

### How to Use Motions

Four basic types of motions (main, privileged, subsidiary, and incidental) are used within a meeting to introduce topics or ask membership to take action on an issue. These types of motions allow participants the opportunity at various occasions during the meeting to make motions, second motions, debate motions and vote on motions.

A main motion serves to announce items to be taken under consideration by the meeting attendees. Main motions are secondary to privileged, subsidiary and incidental motions and not allowed if another motion is already being discussed. Subsidiary motions are used to change the method of handling a main motion and must be voted on prior to voting on the main motion. Privileged motions allow subjects that are urgent to be discussed even when they do not relate to the business currently at hand. Incidental motions are used by members who wish to question how another motion is being processed. Incidental motions then take precedent before the original motion can continue.

### Presenting a Motion

When a member would like to present a motion they must first obtain the floor by waiting until the previous speaker has finished and then rising and addressing the chairperson (or president) and saying, "Mr. (or Madam) Chairman," and then waiting to be recognized. Motions are made in a positive manner and generally begin with, "I move that we...". After the motion is presented, another member must second the motion for the motion to move forward. The chairperson will then restate the motion and begin by saying, "It has been moved and seconded that we..."; this statement opens up the motion for debate and turns the motion into "assembly property."

If debate is not necessary or allowed on a motion, a vote can then take place. If debate is needed, the individual who made the motion is allowed to speak first. Other members are then given opportunity to present thoughts on the motion. The member who presented the motion cannot speak on the matter again unless directed by the chairperson or until everyone else has had an opportunity. A time limit per speaker is often set up prior to discussion. All discussion is directed towards the chairperson. After debating the motion, the chairperson will ask, "Are you ready to vote on the question?" A vote is then taken if no more discussion is necessary.

### Procedures for Voting on a Motion

The method used to vote depends on the assembly's needs. More often, a simple voice vote is taken with the chairperson stating, "everyone in favor of the motion say aye, and everyone opposed to the motion say no." A variation can be used when records need to be kept indicating how everyone votes. For the roll call method, each person's name is called and a vote is verbally given. The chairperson may also choose to bypass the vote and obtain general consent. The chairperson would say, "If there is no objection..."; anyone can speak up at this point and state they do object followed by a vote.

<sup>18</sup> See Robert's Rules of Order, <http://www.robertsrules.com>

<sup>19</sup> National Association of Parliamentarians is an association of approximately 4,000 members which provides education and accreditation certifications for parliamentarians; <http://www.parliamentarians.org/>.

## Vocabulary used in a Board Meeting

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

- **Point of Privilege:** This term refers to the right of the person speaking to have the floor and not be interrupted by others.
- **Parliamentary Inquiry:** Method to raise a point of order or to ask how to proceed when unsure of the proper motion.
- **Point of Information:** This term refers to the method used to ask the speaker a question.
- **Orders of the Day (Agenda):** If the meeting is not following the agenda a member may call orders of the day to remind the assembly to adhere to the agenda. If the members would like to deviate from the agenda, "suspending the rules" is necessary.
- **Point of Order:** Point of order is raised if a rule has been broken or a member is not using the proper meeting protocol to speak. A point of order needs to be raised right after the error occurs.
- **Divide the Question:** This term is used when a motion is split into two or more new separate motions.
- **Consider by Paragraph:** When considering adoption of a document, adoption of the full document can be postponed until each and every paragraph has been debated and if necessary amended.
- **Withdraw/Modify Motion:** After the question is stated; the person who made the motion may accept an amendment to the motion.
- **Commit /Refer/Recommit to Committee:** Sometimes a committee is needed to research a motion. In this case, an already established committee is assigned the question or a new committee is appointed. If a new committee is necessary, the chairperson may indicate how many members are needed and how selection of committee members should occur.
- **Extend Debate:** Calling to extend debate can be used for the question currently under debate and usually has a time limit.
- **Limit Debate:** This term is used to refer to the time limit placed upon debate and when debate should be considered closed.
- **Postpone:** If a motion or agenda item needs to be postponed, it is necessary to determine and state when it will be resumed.
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated.
- **Lay on the Table:** This tool is used after a motion is closed to debate or is pending closure and can temporarily stop further consideration or action on the open motion.
- **Take from the Table:** If a motion has been previously "laid on the table," it can be opened and considered again by stating the motion to "take from the table."
- **Reconsider:** If a member on the prevailing side of a debate changes their view, they can state they have reconsidered.
- **Postpone Indefinitely:** Postponing a motion indefinitely stops the motion from proceeding forward just in that particular session, unless a motion to reconsider is made.
- **Informal Consideration:** This term refers to changing the debate to an informal format similar to that of a committee. To move to an informal consideration format a member moves that the assembly go into "Committee of the Whole." Voting is still done formally and is still valid while the meeting is in an informal mode.
- **Appeal Decision of the Chair:** The membership may appeal a decision made by the chair if the appeal does not relate to the violation of order of business or parliamentary rules. Appeals must also take place prior to other unrelated business.
- **Suspend the Rules:** This allows specific, stated rules with the exception of the assembly's constitution to be suspended.

For some boards, such as those with small memberships (for example, three or five members), you can consider using small group rules or adopting a not-so-strict enforcement of Robert's Rules of Order. In these cases, unless otherwise specified by the authorizing body or the Montana Code Annotated, the presiding officer of the

meeting can make motions, second motions and should vote on all matters. Under the relaxed rules of procedure, you can make motions or speak without the necessity of formal recognition, your motions don't have to be seconded, and you can discuss things without a motion being on the floor.<sup>20</sup>

Table 2 presents the common motions and corresponding language used in a board meeting. The first thirteen motions are listed by precedence.

**Table 2: Common Motions Used in a Board Meeting.<sup>21</sup>**

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
<b>Main Motions</b>							
Main Motion	"I move that we..."	No	Yes	Yes	Yes	Majority	Yes
<b>Subsidiary Motions</b>							
Lay on the table	"I move to lay the question on the table" or "I move that the motion be laid on the table"	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	"I move the previous question" or "I move we vote immediately on the motion"	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	"I move the debate be limited to. . ." or "I move that the speaker's time be extended by. . ."	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	"I move that the question be postponed until. . ."	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	"I move to refer the matter to the . . . committee"	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	"I move to amend by adding/striking the words. . ."	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	"I move that the motion be postponed indefinitely"	No	Yes	Yes (16)	No	Majority	(4)
<b>Privileged Motions</b>							
Fix time for next meeting (12)	"I move that we meet next at..."	No	Yes	No	Yes	Majority	Yes
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority	No
Take a recess (12)	"I move that we recess. . ."	No	Yes	No	Yes	Majority	No
Raise a question of privilege	"I rise to a question of privilege affecting the assembly"	Yes	No	No	No	(1)	No
Call for the orders of the day	"I call for the orders of the day"	Yes	No	No	No	(1) (15)*	No

<sup>20</sup> See: How to Relax Robert's Rules by C. Alan Jennings, from Robert's Rules For Dummies

<sup>21</sup> Source: Robert, H. 2000. *Robert's Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
<b>Incidental Motions (11)</b>							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing decorations can be considered separately."	No	Yes	No	Yes	Majority	No
<b>Renewal Motions (8)</b>							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

\* Refer to Robert's Rules of Order Newly Revised

- (1) The chair decides. Normally no vote is taken.
- (2) Only made by a member who voted on the prevailing side and is subject to time limits.
- (3) Only the negative vote may be reconsidered.
- (4) Only the affirmative vote may be reconsidered.
- (5) Debatable when applied to a debatable motion.
- (6) Majority with notice, or 2/3 without notice or majority of entire membership.
- (7) Majority or tie vote sustains the chair.
- (8) None of these motions (except Reconsider) are in order when business is pending.
- (9) Rules of order, 2/3 vote—Standing rules, majority vote.
- (10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).
- (11) The Incidental Motions have no precedence (rank). They are in order when the need arises.
- (12) A Main Motion if made when no business is pending.
- (13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.
- (14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.
- (15) Upon a call by a single member, the Orders of the Day must be enforced.
- (16) Has full debate. May go into the merits of the question which is the subject of the proposed
- (17) A 2/3 vote in negative needed to prevent consideration of main motion.

## Ground Rules

*By Paul Lachapelle and Dan Clark*

Ground rules can be thought of simply as the guidelines a board adopts to ensure the meeting progresses as efficiently and respectfully as possible. Ground rules can be used in addition to using Robert's Rules of Order, or if Robert's Rules are not implemented, as the basis for the format and structure of the meeting. Ground rules allow for a 'level playing field' whereby all voices can be heard and all participants are given the time and respect they need and deserve.

Examples of common ground rules can include the following:

- If you are making a comment, please stand at the podium, clearly state your name and address for the public record.
- All comments will be delivered from the podium, not from your seat [unless the commenter needs a reasonable accommodation].
- Please direct all comments to the Chair.
- Engage in active listening.
- Please use respectful language
  - no swearing
  - no derogatory language
  - no threats
  - no personal attacks
  - no signs
  - no heckling or applause
- Make your comments concise and solution oriented.
- Observe the (blank) minute time limit per speaker (use the reasonableness criteria set in Montana code).
- If questions are asked, they will be responded to at the discretion of the Chair.
- Everyone agrees not to interrupt the speaking opportunity of others.
- Cell phones should be turned off or silenced.
- No single party will be allowed to dominate the meeting.
- The chair or facilitator reserves the right to keep the meeting on-schedule.
- Discussion can pertain to any item related to the Board's business.

Ground rules should be discussed and written and posted before the start of the first meeting and then reposted at each subsequent meeting. It should be made explicit that the rules can be amended by majority vote or consensus at any time. The rules should also not be in conflict with the Montana Code or city or county ordinances.

### Additional Resources

Gorski, P.C. A Guide for Setting Ground Rules. Multicultural Supersite, McGraw Hill. Accessed on-line Jan. 28, 2016 at: <http://www.edchange.org/multicultural/activities/groundrules.html>

Maiese, M. 2004. Knowledge Base Essay: Ground Rules. In: Beyond Intractability, Guy Burgess and Heidi Burgess (Eds.) University of Colorado, Boulder: Conflict Research Consortium. Accessed on-line Jan. 14, 2011 at: [http://www.beyondintractability.org/essay/ground\\_rules](http://www.beyondintractability.org/essay/ground_rules)

Scheffert, D., Anderson, M., Anderson, S., Laeger-Hagemeister, M., and Steinberg, R. 1999. Facilitation Resources – Volume 4. University of Minnesota Extension. St. Paul, Minnesota. Accessed on-line January 28, 2016 at: <http://www.extension.umn.edu/community/leadership/materials/facilitation/volume-4.html#groundrules>

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# Principles of Good Governance

by Paul Lachapelle

The legal foundations of board governance can be understood broadly as a twofold framework: 1) statutory information and requirements and, 2) principles of good governance (i.e., matters of participation, responsiveness, transparency, and equity). In other words, there is the language of the law, and also the spirit of the law. The good governance principles follow and build-on the state statutory provisions and vice versa. While there are varying models of good governance, Table 3 below presents a framework adapted from Graham, Amos, and Plumptre (2003).

The five principles presented in the table are in many respects complimentary to the language in applicable sections of the Montana Code Annotated and Constitutional provisions related to board governance. The principles are self-explanatory and applicable in nearly every board decision-making situation. Interpreted broadly, when these principles are well-understood and applied in a board setting, they will serve to promote not only good governance, but also good relations.

**Table 3: Principles of Good Governance.**<sup>22</sup>

Principles	Application and Description
<b>1. Legitimacy and Voice</b>	<p><b>Participation</b> – all men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.</p> <p><b>Consensus orientation</b> – good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group and, where possible, on policies and procedures.</p>
<b>2. Direction</b>	<p><b>Strategic vision</b> – leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.</p>
<b>3. Performance</b>	<p><b>Responsiveness</b> – institutions and processes try to serve all stakeholders.</p> <p><b>Effectiveness and efficiency</b> – processes and institutions produce results that meet needs while making the best use of resources.</p>
<b>4. Accountability</b>	<p><b>Accountability</b> – decision-makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organizations and whether the decision is internal or external.</p> <p><b>Transparency</b> – transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.</p>
<b>5. Fairness</b>	<p><b>Equity</b> – all men and women have opportunities to improve or maintain their wellbeing.</p> <p><b>Rule of Law</b> – legal frameworks should be fair and enforced impartially, particularly the laws on human rights.</p>

<sup>22</sup> Adapted from Graham, J., Amos, B., & Plumptre, T. 2003. *Principles for good governance in the 21st century*, Policy Brief No.15. Ottawa, ON, Canada: Institute on Governance.

# Facilitator Competencies for the Chairperson or Presiding Officer

*by Jennifer Anderson*

Working with boards or any loosely affiliated group of individuals requires effective facilitation skills. Good facilitation leads to consensus building which involves actively engaging participants in ‘owning’ issues and thus, the solutions that are needed to create positive action. Likewise, good facilitation skills are critical in conducting and carrying out effective meetings. When done right, facilitation may help an organization realize, value and utilize its internal strengths and abilities, which are needed for sustainable purpose and action.

## The Facilitator’s Role

The role of the facilitator is that of a neutral leader, usually someone from outside the group or organization that has no known vested interest in the organization’s actions and outcomes. The facilitator’s main objective is to guide the group’s process and progress utilizing the principles of effective facilitation.

In many instances, the board’s president or presiding officer is by default, the group’s facilitator. This person is responsible not only for leading the meeting by some form of parliamentary procedures, but also for guiding the organizations overall progression of work towards achieving goals. Although this isn’t the optimal role of a facilitator, because it happens frequently, the presiding officer of an organization can benefit from learning, developing and utilizing facilitation skills.

## Principles of Effective Facilitation

Professional facilitation associations and organizations as well as a whole host of private consulting firms all possess over-arching fundamental ideologies of what constitutes quality facilitation. Below is a list of ten topics that are commonly found to be important characteristics of successful facilitation.

1. **Believing that groups can make good decisions** – having the fundamental understanding that the board itself has the internal ability to make good decisions. In this capacity the facilitator, leading by example, models the conviction that the group has the internal ability to take ownership and solve its own issues, which helps boost the participants self confidence level.
2. **Ensure participation** – as the neutral leader of the process, it is critical facilitators have the ability to recognize situations where individuals are not actively engaged in the process. Best practices indicate the facilitator addresses participation in the planning phases by understanding the group being served, taking into consideration different learning/thinking styles as well as individual participant diversity. When participation issues arise, it may be the result of underlying issues which were not recognized or addressed in the planning. If these surface during the process and are allowed to continue, they may derail the entire process or lead to an unexpected or negative outcome.
3. **Convening people as a neutral guide** – neutrality is of the utmost importance as it indicates there are not any “hidden agendas.” It helps build trust in the facilitator and the process, which is especially important in dealing with controversial subjects. Most importantly, neutrality minimizes the facilitator’s influence on group outcomes.
4. **Sharing a sense of group goals** – creating a collaborative environment in which the facilitator has a shared responsibility of guiding the process and group to achieve the desired goals is important. Identifying and building group goals also helps create a foundation built on commonalities or which bonds the participants together.
5. **Using effective processes** – the “one shoe fits all” approach will most likely yield little positive results. Good facilitators have a tool box of different participatory processes and resources that can be accessed and utilized depending on the individual situation. Determining which techniques to include comes from using good verbal communication skills, practicing active listening and the demonstrated ability to observe and provide feedback to participants.
6. **Utilizing diversity and wisdom** – while it is important to build a foundation on commonalities, it is also critical to recognize, welcome and utilize diversity and the wisdom that comes from it. Groups

benefit by embracing and encouraging diversity. Engaging a diverse audience encourages inclusiveness as well as discussion and a deeper understanding of different perspectives. It also fosters creativity by being open to alternative solutions.

7. **Improving continuously** – building and maintaining professional knowledge is a must. The facilitator works at increasing skills and the ability to competently and effectively manage both small and large groups.
8. **Building Trust** – at the foundation of creating change or taking action is trust. It is extremely critical that participants trust each other and likewise, there is trust with the facilitator. For the facilitator, this involves maintaining personal integrity, the ability to be objective, yet caring while also being professional. It is imperative the facilitator mindfully includes trust building attributes in the process.
9. **Progressing toward goals** – the bottom line is the ability to produce results. At the end of the session, meeting, etc. the facilitator must be able to show tangible results, or at the very least, show progression towards goals.
10. **Learning from experiences** — in the end, the best method for honing one’s skills as a facilitator is experience. Situations and needs are unique, however, many also have similarities. Involvement and practice will help build the facilitator’s repertoire of skills and tools.

### Stages and Tasks of Facilitation

Successfully mobilizing boards or any group of people from talk to action is no small feat. Not only does it require a level of commitment and responsibility on both entities — the facilitator and the group — it also demands a competent facilitator armed with a whole cadre of skills, tools and resources. In many instances the facilitator is considered the “change agent,” which can be a tough role to take on. The following 5 areas summarize the typical stages of facilitation and tasks of the facilitator (framework developed by the University of Minnesota Extension Service):

- 1) Pre-work
  - a) Contracting or agreeing to facilitate
  - b) Planning the agenda
  - c) Confirming who is attending
  - d) Arranging the meeting room and supplies
- 2) Opening the meeting or event
  - a) Making introductions
  - b) Exploring the purpose of the meeting/event
  - c) Helping the group determine the agenda
  - d) Breaking the ice
  - e) Setting ground rules
  - f) Initiating discussion
- 3) Facilitating the meeting
  - a) Proceeding through the agenda
  - b) Helping the group stay on track
  - c) Ensuring participation
  - d) Building consensus and making decisions
  - e) Managing conflict
  - f) Handling disruptive behaviors
  - g) Fulfilling your role as facilitator ethically
- 4) Closing the meeting
  - a) Reviewing the agenda
  - b) Identifying the next agenda
  - c) Reviewing decisions/actions
  - d) Answering questions
  - e) Evaluating the meeting

- 5) Following up
  - a) Clarifying remaining expectations for facilitator
  - b) Asking for helpful feedback
  - c) Determining action for any unfinished business

#### References and Additional Resources

IAF Core Competencies for Certification. (2011) International Association of Facilitators. Accessed On- line June 8, 2011 at: <http://www.iaf-world.org/index/Certification/CompetenciesforCertification.aspx>

Scheffert, D., Anderson, M., Anderson, S., Laeger-Hagemeister, M., and Steinberg, R. 1999. *Facilitation Resources – Volume 4*. University of Minnesota Extension. St. Paul, Minnesota. Accessed on-line January 28, 2011 at: <http://www.extension.umn.edu/community/leadership/materials/facilitation/>

## Does our Board Need By-Laws?

*by Dan Clark*

The bylaws or rules of procedure should outline procedural functions and governance policies of a board. Boards should spend time developing bylaws defining and clarifying their purpose, membership, operating procedures, roles and responsibilities. In preparing bylaws, make sure that you refer back to and are consistent with the general provisions laid out in the governing bodies enabling legislation (i.e. resolution). The bylaws of a public board are always subordinate to the local ordinances, resolutions and state statutes; if there is a conflict, seek competent legal counsel.

Bylaws need to be specific enough to provide a clear overall structure, but not so specific that the potential changing needs of the board would require frequent bylaw changes. New board member orientation should include a review of the bylaws. At least one annual meeting should include a review of the bylaws to ensure the board maintains consistency in its operation and procedures. While much of this information is likely already provided in the board's resolution, when developing board bylaws, members should consider the following questions:

1. What is the name of the board?
2. What is the purpose of the board?
3. What is the membership of the board?
4. What is the process of selecting a board chairperson (presiding officer), vice chair and secretary? How long is the term of office? What are their roles and responsibilities?
5. Who presides over the board if the chairperson is absent?
6. Who takes the meetings minutes? Who is responsible for taking minutes when the minute taker is absent? How are the minutes filed and stored?
7. Who decides what items are placed on the agenda? How do board members and/or the public request items be placed on the agenda?
8. When and where are meetings scheduled? What are the board's expectations for meeting attendance and unexcused absence? What constitutes abandonment of office and how do you communicate it to the governing/appointing body.
9. If a special meeting is necessary, who has the authority to convene a meeting?
10. Do you have specific procedures when meeting in executive session?
11. What constitutes a quorum of members necessary to conduct official business?
12. Does the chairperson have the same voting privileges as other board members? How does the board deal with a tie vote?
13. What are the noticing requirements for board meetings?
14. Who is responsible for posting meeting notices?
  - a. Where will notices be posted?
  - b. When should notices be posted?
15. Can the board create subcommittees? If so, who appoints the subcommittees? Are the subcommittees standing or ad hoc?
16. What are your procedures for public records requests?
17. Do you have or need public participation guidelines (time limits if an audience threshold is reached)?
18. Do you require new member orientation with specific materials provided?

With clear by laws, public boards will invest more time and energy deliberating over issues specific to their purpose and less time wrangling over procedures and process. Ultimately, by-laws should make your board more transparent, more accessible, and more efficient. Specific Guidelines are offered in Appendix 2.

## 4. LEADERSHIP AND TEAM-BUILDING SKILLS

This section covers a wide variety of topics including leadership definitions, building leadership capacity, recruiting and mentoring new members, conflict management, personality traits, generational issues, and suggested methods to avoid Stagnation. While there are many additional topics, these issues are likely the main factors that might influence the leadership capacity of a board, and the effectiveness of board's processes and outcomes.

### What is Leadership?

*by Abbie Phillip*

Leadership is a fundamental component of a functioning board. Leaders facilitate the work and well-being of a group by contributing vision, resources, skills, and knowledge.

There are many definitions and philosophies on leadership. Webster's New Collegiate Dictionary defines leadership as the office or position of a leader or the quality of a leader, having the capacity to lead. The role of a leader can be described like a coach, an orchestral conductor, or a film director, who must get others to work together as a team (Cronin, 2000). John Quincy Adams, our 6th US President (1825 – 1829) noted, "If your actions inspire others to dream more, learn more, do more and become more, you are a leader."

Leadership development in the 21st Century is commonly centered in groups or organizations, rather than individuals, in order to engage the heart, mind, spirit, and energy of a group. According to Vandenberg and Sandmann (1995), "The driving forces of this philosophy, then, are community, the heart of a group's leadership; vision, which engages the spirit; learning, which stimulates the mind; and action, which compels energy."

The old model of one leader and many followers in a hierarchy has evolved into a new model that gives equal importance to leadership development and the mission of the group, thereby empowering each member to contribute and collectively work on complex community problems. As Senge (1990) notes, "Implicit in leadership development programs of the past is the idea that leadership rests in individuals, who must be capable of inspiring and influencing others to solve problems and achieve goals, referred to as the "heroic" view of leadership." Alternately, the modern, "post-heroic" view of leadership is based on "bottom-up," transformational leadership fueled by shared power and community-building (Huey, 1994).

### Building Leadership Capacity

Leadership is not an ability bestowed upon a limited number of talented people; rather, leadership roles can be fulfilled by anyone with the resolve to lead and commitment to the process of building leadership skills, understanding issues, team building, problem solving, action planning, implementing solutions, and evaluating outcomes.

Building the skills needed for leadership will enhance the capacity of any individual to effectively perform the role of a board member or committee chair. Leadership skills and qualities can be learned through observing and mentoring with other leaders, having opportunities to work with groups, and participating in leadership classes. Clearly understanding the roles, qualities, and skills that are needed for effective leadership is the first step to building leadership capacity.

Common qualities of outstanding leaders include: visionary, trustworthy, committed, courageous, self-starter, solution-oriented, team builder, caring, considerate, and creative. Other valuable leadership qualities include: knowledgeable, inclusive, accountable, helpful, charismatic, friendly, humorous, flexible, hardworking, and resilient.

The American military leader Perry Smith (2002) writes about valuable leadership skills, such as running effective meetings, organizational development, problem solving, and communication. Other leadership skills include cooperation, building key partnerships, conflict management, strategic action planning, decision making, various leadership styles, asset mapping, group facilitation, and board governance.

## Understanding the Stages of Group Development

A conceptual model of the stages of group development is a powerful way to understand how people build teams and work together to achieve their goals. Bruce Tuckman (1965) originally developed a four-stage model to describe group development: 1. forming, 2. storming, 3. norming, and 4. performing. In 1997, Tuckman's original model expanded to include a fifth stage, called adjourning (Tuckman & Jensen, 1977). Over time, this model has been debated and adapted to describe group development as a cyclical process, in which the group undergoes a transformation, returning to early stages like forming, storming, and norming when they accomplish and set new goals (Smith, 2005).

The group development model serves as a reflection and evaluation tool that will foster discussion about the team building experience and the progress of a group toward accomplishing their goals. A group will not necessarily progress through the stages in a linear fashion. It is common for leaders to use different skills and leadership styles to help a group overcome barriers and reach their full potential.

### *Forming*

The first stage of group development is called “forming” or gathering. Group members are getting acquainted, beginning to function as team, understanding their purpose, and setting goals. It brings forth questions, excitement and anxiety from group members. During this stage of team building, the leader needs to be more of a director.

### *Storming*

The second stage is known as “storming” or griping. Individual members will deal with conflict and frustration that stems from not knowing whether the group can resolve differences of opinion and achieve their goals. New members may decide to drop out of the group. Goals may be broken into smaller, more achievable steps, and the roles of individual members may become more defined. The leader needs to coach and assist the team as they find their direction through consensus.

### *Norming*

The third stage is known as “norming” or grouping. The team will become more playful, cohesive, and collaborative. Among the membership is a sincere commitment to the group, to share ideas, to value individual input, to resolve conflict, and to achieve their goals. This can be an appropriate time to evaluate the team processes and measure productivity. The leader is actively supporting and mentoring the membership to facilitate greater group performance.

### *Performing*

The fourth stage is known as “performing” when the team makes significant progress toward their goals. Teamwork and new synergy develop as leadership roles and responsibilities become more fluid. Confidence is high as the group continues to invest in teambuilding, sharpening their skills, and improving their processes for greater achievement. There is a high level of comfort within the group, and members may spend more time socializing. The team leader needs to delegate tasks to promote the shared performance of the team.

### *Transforming or Adjourning*

A fifth stage of group development is “adjourning or transforming.” A group who has achieved their goals may decide to disband or adjourn. A group who was not successful in achieving their goals may be disappointed and need a change of direction. Sometimes the group re-energizes and decides to take on a new mission and new activities. Under this scenario, the group may cycle through a transforming stage, repeating the forming, storming, and norming stages and emerge into a new performing stage. Leaders will play a variety of roles, such as directing, coaching, supporting, delegating and mentoring depending on the circumstances of the group.

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## Recruiting and Mentoring New Members

by Betsy Webb

How does your board work to attract, develop, and retain strong leadership to build leadership capacity for the future? There is no definitive answer about how large a board should be. Your board size may be determined by code, ordinance, or resolution. Some boards are larger than they need to be because they try to include members from too many constituencies in order to gain input and buy-in on high stakes issues. An effective board needs to have a diversity of perspectives, knowledge and skills in order to accomplish their work. If the board is too big, decision-making and discussion may be hampered. If the board is too small, the lack of diversity of opinions and experiences on complex issues may limit its ability to make the best decisions.

A diversity of knowledge and experience will serve to enhance a board's ability to address the many issues that may be confronted. Although it is sometimes more difficult to obtain agreement with diverse opinions present, critical issues are tackled early on and the decisions made will likely have included more perspectives, thereby making the process more robust.

Composition of the board should be related to the defined needs and purpose that established the board. Board members, elected or appointed, need to be committed to the board purpose, be willing to prepare and research for their leadership roles, and follow through with their commitments. If you are recruiting for new board members, a board committee should look at the qualities and capabilities needed on the board. Make a list of potential stakeholders regarding the board's purpose, charge board members in identifying suitable candidates for consideration, and advertise your openings to the community at large.

Once you've recruited members, you'll need to orient and mentor these individuals so that they can be effective and active participants on the board. The term, "mentor," has its origins in Greek mythology. Mentor was a trusted friend of Ulysses. When Ulysses was preparing to fight in the Trojan War which would require him to be far away for a long period of time, he asked his good friend, Mentor, to look after his son, guide him, and teach him right and wrong.

On a typical board, members serve for a period of years and eventually leave the board, replaced by the next set of board members. Over the years, the composition of the board changes, but the organization itself needs to remain stable. Board members can contribute to the health and continued functioning of the board, in spite of member turnover, by grooming and training others to lead through a well-developed mentoring program.

In the context of boards and board leadership, mentoring new board members contributes to a healthy, well-functioning board. "Older," more seasoned board members can be paired with newer board members to help them understand the purpose and function of the board, to orient them to by-laws, and answer questions that the new board member may have about policies, procedures, and the board itself. By appointing a mentor to a new board member, lines of communication are defined and information is shared on a timely basis. New board members know where to go with their questions. The purpose of the mentor is to help the new board member gain the information or assistance they need to come up to speed quickly.

Board members also need an effective orientation to enable them to quickly become active participants in the board's work. They need information about the board's history, organization, finances, policies, procedures, and the board's roles, responsibilities and operations. The board should define the new member orientation process in its by-laws. The orientation may be provided by an assigned mentor, or through another board member.

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## Conflict Management

by Betsy Webb

"Conflict is inevitable, but combat is optional." —Max Lucado

While serving on a board, arriving at good decisions that positively impact the public will involve differing opinions, looking at situations from as many angles as possible, and the tension that accompanies this work. Inevitably, the board will find itself in conflict. Healthy conflict can lead to robust discussions, informed decision making, and a greater buy in from diverse constituents. Successful resolution of conflict can lead to better relationships among board members, increased confidence to tackle hard decisions, and a greater sense of team in accomplishing the work to be done (Ursiny, 2003). Conflict does not need to be feared; instead dealing with the conflict that arises within a board will lead to better decisions.

On the other hand, unhealthy conflict can derail the work of the board. When opinions are not stated, conversations go "underground," emotions are not dealt with, or regular stale-mates are experienced, the work of the board can be undermined and good decision-making can be at risk.

This section will discuss sources of conflict, strategies to deal with conflict, a self-assessment to determine your usual conflict style and suggested readings for more information.

## Sources of Conflict

Suzanne McCorkle (2010), Professor and Director of the Dispute Resolution Program in Boise, Idaho, presented a workshop on managing conflict and strengthening workplace relationships at Montana State University in 2010. Ms. McCorkle identified the following sources of conflict:

1. **Information Conflicts.** These conflicts have to do with data, misinformation, not enough information or withholding information.
2. **Emotional Conflicts.** These conflicts involve feelings, ego, and self-esteem. High emotions interfere with parties being able to reason and listen well.
3. **Values Conflicts.** Values involve deeply rooted beliefs, and may include religion, politics, and ethics.
4. **Process (Relationship) Conflicts.** These are conflicts about who has authority, what relationships exist in the conflict (peer or other), how are decisions made.
5. **Style Conflicts.** Communication styles, group versus individual styles, directive versus collaborative, in person versus electronics, high structure versus fluid.
6. **Substance Conflicts.** These conflicts center on scarce resources, including financial resources, funding, time, space, and equipment.

McCorkle (2010) notes that if you are in a conflict, and the same problems keep arising, you are likely working on the conflict from the wrong source. Identifying one of the 6 conflict sources above can help to design a strategy to address the conflict in a healthy way. Each of the sources requires different approaches for resolution. For further reading, McCorkle and Reese (2010) have written a textbook on the theory and practice of conflict management.

## Conflict Strategies

The Thomas-Kilmann Conflict Mode Instrument (TKI) is a well-used instrument for assessing the ways that people approach conflict (1974). Thomas and Kilmann (1974-2009) developed a tool for assessing conflict styles which include the avoider, the accommodator, the compromiser, the competitor, and the collaborator. Included in the appendix of this handbook is a Negotiation Styles self-assessment. In times of stress or conflict, people generally revert to their preferred style. However, in healthy conflict, a strategy can be chosen from these 5 approaches. Thomas Croghan and Nancy Yeend designed the self-assessment and these descriptions of the conflict strategies from the TKI (Thomas and Kilmann, 1974-2009).

**The avoider** tries to stay out of conflict in the first place. From previous experience the avoider may expect to lose in this conflict situation. They may withdraw physically or psychologically; may be saving for an issue in which can be more productive.

- **Potential uses:** When confronting is unsafe or damaging; when the situation may resolve on its own; when it's a battle not worth picking; when time is needed to cool down or plan.
- **Potential limitations:** Important issues may never get addressed leaving the conflict unresolved; conflict/emotions may escalate or resurface/explode later. If people are not actively involved in the resolution, they may not be committed to the solution.

**The accommodator** or friendly helper cares more about the relationship than personal goals. They are nonassertive but cooperative. They want to smooth over difficulties and pacify others.

- **Potential uses:** When the relationship is more important than the current issue; when wanting to demonstrate a willingness to be flexible; when thinking they'll get their turn later.
- **Potential limitations:** Although they may please others, it may be at the expense of their own needs. This person may feel like a "doormat" after a while if always in this role with the same person; being "nice" won't necessarily resolve the problem.

**The compromiser** bargains with the other party for a solution. They believe you have to be satisfied with part of the pie. It can be a lose/lose approach with each party losing a little. Compromisers tend to ask for more than they really expect to get.

- **Potential uses:** Good for fast decision making on minor issues—or to avoid a win/lose situation; when parties are of equal strength; when competition or collaboration fail.
- **Potential limitations:** Everyone may feel disappointed; quick fix may not address underlying needs; may only deal with surface conflict and leave significant issues unresolved.

**The competitor** tries to employ power and dominance to win at any cost. They believe compromise is a weak mode and generally unacceptable. They place a high value on achieving personal goals and little concern about maintaining a relationship.

- **Potential uses:** When immediate action is needed; when safety is a concern; when issues are too important to compromise or to lose.
- **Potential limitations:** This approach may permanently damage relationships; losers don't often support the winner; intimidating; doesn't allow for others to participate in problem solving or to own the solution.

**The collaborator** tends to have both a high concern for the goals of all the parties and high concern for maintaining the relationship between parties. They work at trying to resolve the underlying causes of the conflict. They believe relationships can survive when working through problems.

- **Potential uses:** When there is time to develop mutually satisfying solutions; when parties concerns are too important to compromise; when strong commitment is needed by all parties to the solution.
- **Potential limitations:** All parties must embrace the approach and work in good faith to come up with a solution that will meet the needs of all; requires time, commitment and some skill; it's voluntary.

### Working with Different Conflict Styles

The Center for Collaborative Solutions (Bozeman, Montana) teaches a 40-hour Basic Mediation Training class. The Center for Collaborative Solutions has been training mediators, employees, business owners, teachers, students and community members since 1997. Using the TKI, the CCS offers the following suggestions for working with people in each of the different conflict styles.

#### Avoiders

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- |   |  |
|---|--|
| ✓ It is important to engage them                      | ✓ Ask, "What will happen if the problem is ignored?" |
| ✓ Use open-ended questions                            | ✓ "What is going to happen if you can't solve this?" |
| ✓ The environment must feel non-threatening/<br>safe  | ✓ And ask yourself, why is this person avoiding?     |
| ✓ Try to frame conflict as opportunity                |  |
| ✓ Build on early success (tackle easier issues first) |  |

#### Competitors

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|--|---|
| ✓ Try to get competitors to understand the others' point of view | ✓ Ask the competitor what he/she thinks he/she would do if they were Jane |
| ✓ "Tell me how you think Jane sees this..."                      | ✓ Frame the problem from a team perspective                               |
| ✓ Have Jane correct the statement, and then restate her view     | ✓ Get the emotions along with the issues                                  |

#### Compromisers

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|--|---|
| ✓ They may not be happy with the result, as they are "giving up" something             | ✓ satisfied?"   |
| ✓ Move from compromising to the best possible solution (not always meet in the middle) | ✓ "Can you be totally satisfied by doing something else?" |
| ✓ What are the other interests in the situation not being identified?                  |   |
| ✓ What can you do so everyone gains?   |   |
| ✓ Ask the compromiser, "Are you totally  |   |

## Accommodators

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- ✓ Often don't see them in conflict, because they have already accommodated others so there is no issue.
- ✓ Have accommodators speak first, before others views have been stated.
- ✓ Have them propose the first solutions.
- ✓ Keep the environment safe.
- ✓ Have them write down their solutions – then they can't back out.
- ✓ "I know everyone in this room has some feeling or opinion on this subject..."

## Over-collaborators

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- ✓ Have to fully discuss and fully process everything.
- ✓ Have collaborators prioritize the most important issues.
- ✓ Give them the time needed to solve the situation.
- ✓ Ask them the relative importance of the issue versus the time it takes to reach agreement on all the issues.

## Shifting to a Learning Stance

In *Difficult Conversations* (Stone, Patton & Heen, 1999), the authors introduce a conflict resolution approach that invites participants to enter conflicts from a position of learning. They recommend taking the time to explore each other's stories, trying to see the issue through the other's lens, and moving away from "certainty" to "curiosity." Blaming, judging, and focusing on the past does not move groups towards conflict resolution. When arguing is taking place, people lose their ability to listen well.

Mark Umbreit (1995) offers the following twelve strategies for managing workplace conflict that are aligned with the learning stance philosophy. He recommends the following:

- ✓ Choose the time and place carefully
- ✓ Change behaviors, not people (the conflict is not about you as a person, but the situation we are in).
- ✓ Agree on something
- ✓ Use "I" statements ("I am angry about this issue because...," not, "you made me angry because...")
- ✓ Figure out where you went wrong
- ✓ Criticize with precision
- ✓ When someone attacks, agree
- ✓ Bow out for a while (take a break from conflict, give yourselves a "time out," come back with a fresh lens.
- ✓ Have more conflicts (the more time you spend working things out, the better you will become at resolving conflicts).
- ✓ Find the third option
- ✓ Agree on the future (vision)
- ✓ Work it out on paper

## What if the Board gets Stuck?

Fisher & Ury (1981), in their book, *Getting to Yes, Negotiating Agreement Without Giving In*, define an approach they call BATNA. This stands for *Best Alternative to a Negotiated Agreement*. When a stalemate exists, the question can be asked, "What happens if we do not resolve this conflict?" The alternative to not finding a solution may impel the group to work harder towards resolution. The reasons that groups in conflict negotiate on solutions is to produce something better than the results obtained without negotiating. What are those results? What is that alternative? Instead of ruling out any solution that does not meet the bottom line, compare proposed solutions with the BATNA to see if some of the interests can be satisfied. Another option is to use the Three-Step Model for Managing Conflict (CRU Institute 2005):

### I. Define the Problem

- Ask the other person (group) what the problem is
- Restate the problem
- Allow the other person (group) to correct any misinterpretations
- Say what you think the problem is
- Establish ground rules

## II. Explore the Problem

- Ask open-ended questions
- Use “I” messages
- Restate what you hear, check assumptions
- Enforce the ground rules

- Give your solutions
- Brainstorm
- Pick the best alternative to implement

## III. Find Solutions and Make Agreements

- Ask the other person (group) for solutions

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## The Importance of Public Trust

*By Blake Christensen*

As a public board member, you are in a unique position to make decisions for and work to improve the quality of life in your community. By serving on a public board, you take upon yourself the responsibility to represent the community to the best of your ability and act with integrity and diligence in your position. Fulfilling this responsibility builds and maintains trust with the public you serve.

Gaining and maintaining trust between your board and your community is crucial to effectively fulfilling the board's purpose. When the public trusts local government leaders, including public boards, the transaction costs for governing decrease and community leaders have greater freedom to efficiently and effectively accomplish goals.

On the other hand, when trust is lacking, the transaction costs for governing as a board increase. In other words, rather than having the freedom to fulfill your role in the way that you see fit, the board will have to answer to much more rigorous oversight from the public. When the public does not trust the work of a board, the public will often ask more questions, request more information, closely supervise decisions, and more rigorously oversee the outcomes of the board's work. While this additional oversight and involvement from the public is welcome under the Montana Constitution, it can also lead to greater frustration for board members.

So how does a board member maintain a high level of trust with the public? First, strive to create a culture of good governance for your board. As described in another chapter of this handbook, utilizing principles of good

governance can ensure good relations between board members and between the board and the general public. This culture ensures participation, legitimacy, accountability, and transparency. The image you convey to the public—preferably an image of competency and credibility—can go a long way toward building trust.

In addition to establishing a culture of good governance, strive to know and follow the MCA sections that foster trust with the public. The Montana Legislature, recognizing the importance of gaining and maintaining public trust, has embodied certain trust-building principles within the Montana Code. These include provisions that encourage greater public participation (2-3-101), openness (2-3-201), record transparency (2-6-1001), and ethical behavior (2-2-101)—all laws that, when properly followed, encourage public trust in the work you do as a board.

Lastly, here are some practical tips for fostering trust as a board member:

- Know and proactively follow the Montana code sections on public participation, open meetings, and ethics. Not only do these laws allow the public to participate in decision-making, they also help your board avoid legal issues. Any non-compliance with the law—real or perceived—can erode public trust.
- Discuss the principles of good governance with your board and make a plan for implementing them. While many of the principles of good governance may seem intuitive on paper, they are best practiced only when board members take intentional steps to use them. Brainstorm ways to incorporate these principles and hold yourself accountable for creating a positive environment on your board. A culture of good governance, one in which the public witnesses collaboration, participation, consensus-building, and respectful behavior, increases public trust.
- Foster a spirit of collaboration between the board and the public. When the public is recognized and invited to participate in a spirit of collaboration, participants are much less likely to seek disruptive means of addressing public concerns.
- Create opportunities for board members to develop relationships with each other. Developing a personal relationship with your fellow board members fosters greater willingness to listen, openness to change, and opportunity to agree. When you show your fellow board members you are open to their ideas and concerns, they will generally be more open to yours.
- Engage issues through dialogue, rather than confrontation. When a board uses productive dialogue to address issues, instead of debate and argument, it is better able to create shared meaning and mutual learning. Proactive listening and striving to consider alternative viewpoints creates trust and respect, both with your fellow board members and with public observers.
- Develop cooperative goals. Speaking on the importance of goals in their book *The Leadership Challenge*, Professors Kouzes and Posner (2012) teach “[t]he most important ingredient in every collective achievement is a common goal. Common purpose binds people into cooperative efforts. . . . If you want individuals or groups to work cooperatively, you have to give them a good reason to do so, and that good reason is generally expressed as a goal that can only be accomplished by working together” (p. 230-231).

Serving on a board is a great opportunity to make a difference in your community. That service will be much more effective and efficient if you participate in a manner that builds and maintains a high level of trust, both with fellow board members and with the public.

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## Understanding Personality Traits

*By Nori Pearce*

Some people walk into a meeting and take charge. Others may sit quietly in a room and not say much during a gathering. Some individuals are very good at organizing activities and events. One reason people react differently within the same situation is because every person tends to have a personality that defines who they are and why they do some of the things they do. Volumes of books have been written about personalities, or the temperaments of people, since the time of the ancient Greeks, to try to help people work together and understand each other.

Dr. Kevin Leman, a New York Times bestselling author and renowned psychologist, has completed extensive research on personality types and has identified an interesting way to remember the four most common personality types. By assigning characteristics of dog breeds to each personality he makes it easier to remember: Yorkies, Great Danes, Standard Poodles, and Irish Setters. He does not believe that one particular type is more advantageous than another, though he does believe most individuals are a mixture of types. Following is a brief synopsis of each personality type as identified Leman (2010).

“Yorkies” are the life of the party. They do not know a stranger. They will be the first to greet your arrival and they are always ready for the next event. They’re charming. They’re personable. They often get what they want, when they want it. They are the social ones. Their motto is “Let’s do it the fun way!” They can talk about anything at anytime to anyone. They are often loudest person in the group, or the person with the biggest smile. They are bubbly. They have a great sense of humor. They live for approval and acceptance. However, they may seem disorganized and seldom on time. They probably won’t remember your name, they may have a tendency to exaggerate and they may have a difficult time being serious. They may have difficulty with a budget and little attention for detail.

“Great Danes” capture people’s attention with their sense of presence and their stature. They like to take charge. They make quick decisions and these decisions are usually the correct ones to make. They have a high sense of self confidence. They are usually daring, adventurous and competitive. They are very persuasive. They tend to be outspoken and strong willed. Great Danes are also independent creatures. As such they may have a need to be in control and expect others to comply with their wants and desires. They like to be appreciated and respected. They can sometimes appear as bossy, domineering and insensitive to other people’s feelings, coming across as unaffectionate and uncaring at times. Many are very dedicated to their careers.

“Standard Poodles” as the breed they are identified with, live by high standards and ideals. They are very organized and orderly. They are highly analytical and live to do things the “right way”. They are skilled at setting, and achieving, long term goals. They love deep discussions. They are respectful of others, sensitive and thoughtful. Standard Poodles are faithful. However, Standard Poodles may have the need to have things done correctly as according to them. They need silence and space. They need sensitivity returned as well as giving it. They hate having to lower their standards or being forced to compromise their ideals. They thrive on stability. They can seem insecure, unforgiving and pessimistic.

“Irish Setters” are loyal. They tend to have a balanced, pleasing personality. They can solve problems objectively and don’t make impulsive decisions. They are good listeners, content and adaptable. They are patient and obliging. Irish Setters have a calming influence over others. They are peacemakers. And no matter how long it takes, Irish Setters stay with a project until it is completed. However, Irish Setters may seem lethargic and lacking enthusiasm. They want to avoid conflict and may avoid making decisions because they don’t want to offend anyone. They can be indecisive about setting goals. They may have a seemingly sluggish approach to life or be viewed as lazy or aimless. They may lack self motivation.

Very few individuals are solely one personality type. Most of us have blends of these types. Or we may be one personality type at work, while being a totally different type when at home with the people we love. Do you see a predominant personality or “dog” style within yourself? Think about the members of your board. Each probably has some identifiable characteristics from the personality traits identified by Leman (2010). Board members should recognize each other’s strengths and encourage the best of each person. Great Danes work

very well as the chairperson or committee chairs. Standard poodles may thrive when given the responsibility of balancing the budget or keeping minutes. Yorkies make great hosts and hostesses for events and activities, as well as finding ways keeping meetings from becoming stagnant. And Irish Setters will work to make sure everyone has a voice and is a part of the group.

No one personality type is better than any other personality type. Each has its strengths. It is the combination of these types and learning to work together with all, which makes for the most successful teams.

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## Generational Issues

*by Nori Pearce*

For the first time in history, four generations are involved in the work and volunteer forces at the same time. There may be great grandparents working alongside their great-grandchildren. To this workforce, add technological advances, individual personalities, education levels and you have the potential for an enormous generational gap within your organization which can potentially hinder progress your organization wishes to accomplish. By taking the time to learn a little of what motivates each generation involved and then capitalizing on the strengths and capabilities of each, you can make a winning team for your organization.

Research indicates that people think and communicate based on the generation they grew up in. Each generation has very distinct behaviors, attitudes, habits, expectations and motivators. Learning to communicate with different generations can help to eliminate major confrontations and many misunderstandings within your organization.

There is a lot of discussion and differing views on the starting and ending dates or birth years of each generation, as well as on the exact titles of some of the groupings. The birth years for the generations are subjective. There is no scientific basis to the determination of these years. The variation of years that may occur in generational charts is not significant enough to change the overall generational description. There are still underlying values, as well as personal and lifestyle characteristics that will correspond with each generation.

Table 4 below is a generational timeline to identify generational terms and their corresponding dates in years.

**Table 4: Generational Timeline with Terms and Corresponding Years.**

Years	Generational Terms
1922-1945	Matures, The "Silent" Generation, The Greatest Generation, Traditionalists
1946-1964	Baby Boomers
1965-1980	Generation X, Gen X, Xers
1981-2000	Generation Y, Gen Y, Echo Boomers
2001-current	Generation Z, Millenials

Understanding yourself is the beginning to understanding how individuals within different generations may act and react. To which generation do you belong? Think about world events that shaped your thoughts and feelings. What do you think when someone asks you where and how Kennedy died? Do you first think of an assassination, a plane crash or cancer? How do you react when you need a new cell phone or computer? Are you excited to go shopping on-line or do you cringe and feel intimidated? Table 5 presents some of the characteristics that individuals within each generation share.

**Table 5: Personal, Lifestyle, and Workplace Characteristics by Generation.** <sup>23</sup>

<b>PERSONAL AND LIFESTYLE CHARACTERISTICS BY GENERATION</b>				
	<b>Veterans (1928-1948)</b>	<b>Baby Boomers (1946-1964)</b>	<b>Generation X (1964-1982)</b>	<b>Generation Y (1982-2002)</b>
<b>Core Values</b>	Respect for authority Conformers Discipline	Optimism Involvement	Skepticism Fun Informality	Realism Confidence Extreme fun Social
<b>Family</b>	Traditional Nuclear	Disintegrating	Latch-key kids	Merged families
<b>Education</b>	A dream	A birthright	A way to get there	An incredible expense
<b>Communication Media</b>	Rotary phones One-on-one Write a memo	Touch-tone phones Call me anytime	Cell phones Call me only at work	Internet Picture phones E-mail
<b>Dealing with Money</b>	Put it away Pay Cash	Buy now, pay later	Cautious Conservative Save, save, save	Earn to spend
<b>WORK PLACE CHARACTERISTICS</b>				
	<b>Veterans (1928-1948)</b>	<b>Baby Boomers (1946-1964)</b>	<b>Generation X (1964-1982)</b>	<b>Generation Y (1982-2002)</b>
Work Ethic and Values	Hard work Respect authority Sacrifice Duty before fun Adhere to rules	Workaholics Work efficiently Crusading causes Personal Fulfillment Desire quality Question Authority	Eliminate the task Self-reliance Want structure and direction Skeptical	What's next Multitasking Tenacity Entrepreneurial Tolerant Goal oriented
Work Is.....	An obligation	An exciting Adventure	A difficult challenge A contract	A means to an end Fulfillment
Leadership Style	Directive Command-and-control	Consensual Collegial	Everyone is the same Challenge others Ask why	To Be Determined
Interactive Style	Individual	Team player Loves to have meetings	Entrepreneur	Participative
Communications	Formal Memo	In person	Direct Immediate	E-mail Voice mail Text
Feedback and Rewards	No news is good news Satisfaction in a job well done	Don't appreciate it Money Title recognition	Sorry to interrupt, but how am I doing? Freedom is the best reward	Whenever I want it, at the push of a button Meaningful work
Messages That Motivate	Your experience is respected	You are valued You are needed	Do it your way Forget the rules	You will work with other bright creative people
Work and Family Life	Ne'Er the twain shall meet	No balance Work to live	Balance	Balance

<sup>23</sup> Hammill, G. 2005. *FDU Magazine*, 12(2), available at: <http://www.fdu.edu/newspubs/magazine/05ws/generations.htm>

Following are some of the personal and lifestyle characteristics for each of the generations.

- **Traditionalists (1922 – 1945):** Traditionalists were primarily raised in hardworking agriculturally based families during lean times at the turn of the last century. This generation believes you earn your own way and consider work a privilege. This group is civic minded and loyal to their country and any cause they choose to work with. They were raised in a paternalistic environment and taught to respect authority. In general they are good team players and conform to their work environment.
- **Baby Boomers (1946 – 1964):** Baby Boomers were born following two World Wars. Many grew up in a time of affluence and were the first generation to genuinely expect the world to improve over time while growing up. They were the first generation exposed to large scale product marketing. This group is confident, independent, self reliant, challenges authority systems and the status quo. As a group they are achievement oriented, dedicated, career focused, and define themselves by professional accomplishments. They equate their position in work with their self-worth and are quite competitive in the workplace. They believe in hierarchal structure with ranks within the workplace and may have difficulty with flexible workplace trends. They believe that “face time” is quality time. They are optimistic and involved in activities of their choice.
- **Generation X (1965 – 1980):** Generation X came of age during a time of two-income families, rising divorce rates and a faltering economy. Many women were working during this time, resulting in “latch-key” children, which resulted in individuals who are independent, resourceful and self-sufficient. This group values their freedom and being responsible. Many display a casual disdain for authority and dislike structured work hours. Most prefer a hands-off management philosophy and dislike being micromanaged. They may exhibit skepticism, while at the same time being fun-loving and preferring informality.
- **Generation Y (1981 – 2000):** Generation Y were mostly nurtured and pampered by parents who did not want to make the same mistakes raising their families that they thought the previous generation made. As a result, Generation Y is confident, ambitious, and achievement oriented. They have high expectations, like challenges and are not afraid to question authority. This group desires flexible schedules and a better work and life balance than their parents. They are not interested in the “fast track” and prefer family time over work time. As children, they participated in play groups and team sports. They appreciate the input and affirmation others can give them. They are team oriented, loyal, and commit to activities where they can feel included and involved. They appreciate frequent praise and reassurance, feedback and guidance. This generation is a social group that likes to have fun but is still realistically grounded. They have grown up with technology and utilize it effectively and frequently in their daily lives, preferring to communicate through texting and emailing than face to face or phone contacts.

Take some time and think about the team of individuals you are working with currently. Is there a little bickering going on? Are there difficulties between individuals which seems confusing to others? If there is, generational differences may be an issue to consider. Think about the individuals on your team. Does one of them appreciate specific work with guidelines? Does another person seem to be always calling a meeting to discuss business? Does another prefer working individually and with little supervision? Does one prefer working as part of a group and seek frequent feedback on how their work is progressing? Looking at the chart above determine which generation these individuals are a member of. Is what may have been seen as a personal issue actually a generational characteristic? Remember, Veterans love a handwritten note or list. Gen Yers prefer a text. Baby Boomers love meetings. Gen Yers may rather be working at home alone on a project meaningful to them personally.

The pervasive belief of the Traditionalist and Baby Boomer generations is that a job is what you are, a calling. These generations have been characterized as living to work and are more likely to use the past as reference points for the present. “I remember when” can be insightful; however, encourage older generations to interpret their story rather than simply telling it. The younger generations may find these stories frustrating. The older generations are more likely to believe that “good things come to those who wait” and that patience contains a wealth of resources. These generations need to be aware that the younger generations may be more impatient and want to see rewards sooner. Members of the Traditionalist and Baby Boomer generations may have a tendency to believe that if someone isn’t physically involved in a job, they can’t actually be working. Physical effort may

be the most measurable to them. They may need to be educated as to how flex-time, telecommuting and new methods of communicating can be effective means of work within your organization. These two generations like to have a system for everything. Manufacturing was the center of the US economy when they entered the work force. They may be offended when younger generations discount, or even ignore, the procedures that have been in place for years. They also believe that technology will never overcome the value of hard work, and may still be uneasy about the capability and reliability of technology available to them.

The younger generations, Gen X and Gen Y, think a job is a contract. They are more likely to focus on the outcome instead of the task. They want to be able to take the project and do it instead of performing the 10 step process that may have been designed for the same project 20 years ago. When it comes to personal time and work, balance is more important than money. These generations work to live. They prefer being given a clear definition of the desired outcome, what resources they have available and a deadline, then being allowed to work on their own to get the job done in the way they see best. To them, training, knowledge and experience equal versatility which ensures job satisfaction and long term security. They are looking for ways to enhance their own resume while working in a challenging and supportive environment. They want management to be a partner with them. They like team-oriented “best practices” work environments. These generations have a general philosophy that “life is too short to pay dues.” Growing up in a technologically advanced world with a sense of “instant gratification,” they believe there is no time to lose.

Each generation has shared some of the same experiences, creating their general life philosophies and differences between people of different ages. Become aware of the differences between the generations. Use these differences to the benefit of your organization. These differences can make your organization vital and dynamic.

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## Youth Participation

by Micky Zurcher

Consideration of youth on boards is often overlooked. By involving youth in local decision-making, they become assets and resources to a community in addition to fostering civic participation in their lives. The potential for young people to challenge, question and/or reshape local decision making process provides an inclusive committee of board representatives.

Recognizing that young people have a civic voice in decision-making allows them to explore and challenge the decisions that are being taken today for the futures that they will inhabit. Enabling youth to reflect critically and carefully upon board decisions will enhance their capabilities and will offer personal and social futures which will help generate critical thinkers.

Creating an opportunity for youth on boards provides another level of personal and social connectivity within the communities which they reside. Youth participation with boards provides an opportunity for youth to develop life-long skills. Early participation generates the capacities and structure needed for youth to engage in a meaningful public debate and new democratic structures. Building youth capacity to participate in meaningful processes can help make a difference in their role of working with other generations.

Youth who contribute have a special kind of vision, the kind that allows them to see beyond-beyond themselves so they can think of others, beyond today so they can consider what happens tomorrow (Lerner, 2007). The willingness of youth to become civically engaged is strongly intertwined by Lerner's Positive Youth Development perspective, the Five C's model: Competence, Confidence, Connection, Character, and Caring. Youth who have a role and awareness in society can express the Five C's and be better prepared for civic engagement.

#### Additional Resources

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## Avoiding Stagnation and Creating New Ideas

by Tim Fine and Betsy Webb

One of your board members has served for over 20 years. Similar issues arise and they are handled in a consistent manner. The board's work is completed efficiently and predictably. How do you avoid stagnation and inject creativity into managing the board's duties and purpose?

If the board's work is being completed with quality and accomplishing its purpose, you may not need to change anything you are doing. However, if the board feels stagnant, new ideas are not being generated, and this has become a problem in accomplishing the required tasks, then some changes may be required. When a board is newly formed it is easy to identify needs and goals to be addressed, ways to address them, and evaluation techniques to determine whether or not they were met with satisfaction. After initial tasks are met with success, however, the next steps the board should take and new goals will need to be identified.

It can be beneficial for a board to re-visit the goals and objectives that were initially determined to be the top priorities. It is possible that, as times and situations change, so will topics that were determined to be most-important. There is potential for well-established boards to continue doing the same programming and stick with the same agendas because of historical precedence. While many of the goals and objectives will not change from year to year, the board must be prepared to adapt.

#### Creating New Ideas through Brainstorming

Typically, looking for new ideas and new ways to solve problems is considered something a board has to do upon formation. Once these items are accomplished they can be brushed aside. However, boards must remain viable and sustainable. Board members must come up with new ways to evaluate the priorities and the work of the Board. Often, a brainstorming session will help accomplish this task.

Brainstorming is simply gathering suggestions, ideas, and information from a group of people regarding ways to accomplish a pre-determined goal or objective or set of goals or objectives. There are several ways that a brainstorming session can be accomplished and while they all have their benefits and drawbacks, they are meant to bring about ideas from a group in order to help the board determine priorities. There is one primary principle that must be adhered to during any brainstorming session. All ideas are good and no ideas should be criticized. It is important to set guidelines prior to the brainstorming session that allows all participants to think and contribute freely.

There are several different methods to conduct brainstorming sessions but the most common approach is to use the group brainstorming method, which essentially allows for a diverse group of people to give their input. Group brainstorming allows for members of the group to draw on their personal experiences to accomplish a common task. When conducting a group brainstorming session, there are some steps that should be taken to ensure the session is effective including the following:

- Find a comfortable meeting environment, and set it up ready for the session.
- Appoint one person to record the ideas that come from the session. These should be noted in a format than everyone can see and refer to. Depending on the approach you want to use, you may want to record ideas on flip charts, whiteboards, or computers with data projectors.

- If people aren't already used to working together, consider using an appropriate warm-up exercise or ice breaker.
- Define the problem you want solved clearly, and lay out any criteria to be met. Make it clear that the objective of the meeting is to generate as many ideas as possible.
- Give people plenty of time on their own at the start of the session to generate as many ideas as possible.
- Ask people to give their ideas, making sure that you give everyone a fair opportunity to contribute.
- Encourage people to develop other people's ideas, or to use other ideas to create new ones.
- Encourage an enthusiastic, uncritical attitude among members of the group. Try to get everyone to contribute and develop ideas, including the quietest members of the group.
- Ensure that no one criticizes or evaluates ideas during the session. Criticism introduces an element of risk for group members when putting forward an idea. This stifles creativity and cripples the free running nature of a good brainstorming session.
- Let people have fun brainstorming. Encourage them to come up with as many ideas as possible, from solidly practical ones to wildly impractical ones. Welcome creativity!
- Ensure that no train of thought is followed for too long. Make sure that you generate a sufficient number of different ideas, as well as exploring individual ideas in detail.
- In a long session, take plenty of breaks so that people can continue to concentrate.

There are many strategies for avoiding stagnation mentioned in the book, *The Board Members Guide: Making a Difference in Your Board and in Your Community* (Adams, 2003). If you feel your board is stagnant, consider these additional steps:

- **Revisit the board's purpose and strategic direction.** Is your work reflective of the board's purpose and plan? Do you need to have a discussion about the work of the board? Are there tasks that should be eliminated or added to the board's work?
- **Committee work.** Break up your board into smaller subcommittees and assign tasks to a smaller work group. Reticent board members may contribute more in a smaller group. Creatively assigning board members to subcommittees may inspire new conversations about the same issues.
- **Invite outside stakeholders.** Invite community members to your meetings to add new perspectives and new ideas related to your purpose.
- **Invite outside experts.** A new look at the same issue by an expert in the field (local or from outside your area) may add new information and solutions that have been implemented in other areas to current issues.
- **Read/research – go online.** Research your subject area from a variety of sources. Find new ways to investigate your issues. Become an expert in the areas that your board addresses.
- **Attend other boards meetings.** Go see how other boards are functioning and how they conduct business. You may learn something from another group that you can incorporate into your board.
- **Go on a field trip.** Depending on your board's purpose, set up a field trip to learn about the issues that directly affect the decisions you make. Visiting in person may re-energize your board members to their purpose.
- **Gov 2.0.** Investigate Government 2.0, new electronic ways to connect your citizens to your work. Use a blog for community input. Investigate bar codes to share information. Be on the cutting edge of citizen engagement technology! Google Government 2.0 and see what you find.
- **Encourage new membership.** If there hasn't been any turn-over in board membership, consider leaving the board so new members can join. Board member turn-over can lead to new creative ideas.

#### References and Additional Resources

Adams, Richard (2003). *The Board Members Guide: Making a Difference in Your Board and in Your Community*. Academy for Leadership and Governance. p. 41-42

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# Strategic Board Planning

*By Paul Lachapelle*

Ultimately, your board should be committed to not only addressing the current tasks at hand, but also consider planning for the future. Strategic planning is a technique to proactively and constructively consider present trends and future scenarios. By conducting strategic planning, your board will be better prepared to address the many issues, some unanticipated and some conflicting, in the future. There are many tools and techniques to consider when planning; below are some suggested ideas to consider.

## Letting your Board 'SOAR' (Strengths, Opportunities, Aspirations, and Results)

The SOAR method, an acronym standing for Strengths, Opportunities, Aspirations, and Results is used as a heuristic to understand the potential for board action related to meeting process and outcome. The method has been applied in many settings and diverse disciplinary areas, from community planning to nursing practice and patient care (Stravos, Cooperrider, & Kelly, 2003; Havens, Wood, & Leeman, 2006).

A SOAR analysis is based on a process called Appreciative Inquiry, which provokes reflection and action focused on the positive attributes of a process and outcome, instead of the problems. For example, rather than posing questions such as the following: "What's wrong with the people on this board?"; "Why isn't this board doing better?"; and "What's causing this conflict, and who is responsible?" inquiries are phrased using the following questions, for example: "Think of a time for this board when performance was high—what were you and the others doing?"; "What external factors supported these moments?"; and "How might this board function if we could expand the conditions that led to past successes?" The former set of questions assigns blame and encourages the demonization of government, as well as the disengagement of citizens; the latter set of questions embraces citizen obligation and responsibility to be a part of the process and solution.

Ask board members to reflect on the following questions regarding the four categories of SOAR:

1. **Strengths:** What are our greatest assets? What expertise do we have or have access to?
2. **Opportunities:** What prospects for success exist? What options are available?
3. **Aspirations:** What is our preferred future? What specific goals do we have?
4. **Results:** How do we identify objectives that will lead to our goals? Who will do what, by when? What are the measurable outcomes?

The SOAR method allows board members to focus on the positive attributes of the process and outcome, to assess how the board functions as a cohesive team, encourages introspection on effective communication and execution, and ultimately develops leadership skills within the board.

## Evaluating Progress: Identifying Indicators and Reaching your Goals

Often, a board may not know if it is reaching its goals and achieving success. In order to know if you're getting close to achieving your goals, you have to know what it is you want to achieve, how you will achieve it, and how you will measure or evaluate whether you are making progress. Identifying what it is you are evaluating is critical to understanding if you are being successful in reaching goals.

Strategic visioning can be used by your board to identify future goals and work collectively to address board needs. Strategic visioning is a process in which individuals discuss past and present issues, determine positive qualities and assets, identify future goals, design a plan, carry out a series of actions, and evaluate the outcomes. Through a process of collective dialogue and reflection, strategic visioning has the potential to lead to board action by creating a "road map" to the future. There are generally five steps to a visioning process with corresponding actions and tasks (see Table 6).

**Table 6: The Five Steps of Strategic Visioning<sup>24</sup>**

Visioning Step	Action	Description
Step 1: Where are we now?	Inventory	Find descriptive data; Identify values
Step 2: Where are we going?	Trends Analysis	Gather trend data; Determine possible future scenarios
Step 3: Where do we want to be?	Vision Statement	Identify preferred future
Step 4: How do we get there?	Action Plan	Determine actions that support vision statement
Step 5: Are we getting there?	Implement and Monitor	Implement plan; Monitor indicators

In order for strategic visioning to be successful, it requires the process be organized, focused, and well-managed. It also requires the board be actively engaged in the process, eager for dialogue and change, and concerned about its future. Regardless of how a board undertakes strategic visioning, the process will likely lead to enhanced trust, increased skills, knowledge and abilities of board members, improved communication and relationships, and a sense of responsibility and teamwork.

In order to evaluate your board's goals adequately, you must understand the definition of an indicator and the characteristics of a good indicator. An indicator is a specific parameter that can be monitored to determine whether objectives are being met. Based on Phillips (2005), there are eight desirable characteristics of a good indicator:

1. **Measurable:** Indicators should be quantitative—subject to measurement. Indicators should be able to be counted, meaning you can assign a number to measure change that may result over a given period.
2. **Reliable:** Indicators should be capable of being measured precisely and accurately. If an indicator is reliable, it should also be repeatable and able to be measured accurately by different people.
3. **Cost-Effective:** Indicators should be capable of being measured cost-effectively, generally using simple equipment and techniques. A measurement that takes a long time to acquire or is cost-prohibitive is not likely to be analyzed over the long-term.
4. **Significant:** Indicators must relate to significant conditions or features. A good indicator should be capable of detecting changes and must relate to conditions or features that are important to the board.
5. **Relevant:** The relevancy of the indicator refers to the types of changes that are to be studied and should be from appropriate and related activities or situations.
6. **Sensitive:** Indicators should focus on sensitive components (early warning) and allow time for correcting.
7. **Efficient:** Indicators are most efficient if they represent broader conditions. Efficiency reduces the number of circumstances that must be monitored.
8. **Responsive:** The indicator you are monitoring should be responsive to change.

An indicator is like a yardstick to measure how well the action plan is being carried out and whether the goals are being met. Good features of indicators can make it easier to measure the progress of meeting your board's goals. When you are considering evaluating the work of a sub-committee or the progress of your strategic planning, consider identifying indicators and the characteristics of a good indicator.

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<sup>24</sup> Based on Ames (2006).

## 5. MONTANA BOARDS, DISTRICTS, COMMISSIONS, AND COMMITTEES

### Airport

#### Airport Appeals Board

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The complete municipal airport board statutes are available in Montana Code Annotated 67-7-302.

#### Creation and Purpose

The governing body that designated the airport affected area shall act as an airport appeals board or appoint an airport appeals board that functions in the same manner as a board of adjustment provided for in Title 76, chapter 2.

#### Membership

If the governing body appoints an airport appeals board, the board must have at least three members (67-7-302).

#### Authority

If a governing body has appointed a board of adjustment under the provisions of 76-2-221 through 76-2-228 or 76-2-321 through 76-2-328, the governing body may designate the members of that board as the airport appeals board, in which case the terms of the members for the purposes of this chapter are concurrent with their terms as members of the board of adjustment.

#### Funding

If a governing body has appointed a board of adjustment under the provisions of 76-2-221 through 76-2-228 or 76-2-321 through 76-2-328, the governing body may designate the members of that board as the airport appeals board, in which case the terms of the members for the purposes of this chapter are concurrent with their terms as members of the board of adjustment.

#### Airport Board

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The complete airport board statutes are available in Montana Code Annotated 67-10-202.

#### Creation and Purpose

The county, city, or town, acting individually or acting jointly as authorized by 67-10-102, having established an airport and acquired property for that purpose, may construct, improve, equip, maintain, and operate the airport. (67-10-202). The joint board may plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police any airport or air navigation facility or airport hazard to be jointly acquired, controlled, and operated (67-10-205). It should be noted that for airport statutes, the definition of municipality includes counties; see 67-1-101 for more information.

#### Membership

Residents of the city or county serve as board members (67-10-202). Public agencies acting jointly pursuant to 67-10-204 through 67-10-206 shall create a joint board that must consist of members appointed by the governing body of each participating public agency. The number of members to be appointed and their terms must be provided for in the joint agreement (67-10-205).

#### Authority

The board may adopt rules and establish fees or charges for the use of the airport upon the approval of the appointing power before they may take effect (67-10-202). A joint board shall organize, select officers for terms to be fixed by the agreement, and from time to time adopt and amend rules for its own procedure (67-10-205).

#### Funding

The airport board, upon approval from the governing authorities, may adopt rules and charge fees for the use of the airport. Any construction, improvement, equipment, maintenance, and operation expenses are paid by the governing bodies (67-10-202). Governing authorities may levy a tax upon the taxable property of the county for

airports and issue bonds upon voter approval (67-10-402). A joint fund shall be created and maintained into which shall be deposited the share of each of the constituent public agencies as provided by the joint agreement. Each of the constituent public agencies shall provide its share of the fund from sources available to each. Any federal, state, or other contributions or loans and the revenues obtained from the joint ownership, control, and operation of any airport or air navigation facility under the jurisdiction of the joint board shall be paid into the joint fund. Disbursements from such fund shall be made by order of the board, subject to the limitations prescribed in 67-10-205(2)(67-10-206).

### **Municipal Airport Authority**

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The complete municipal airport authority statutes are available in Montana Code Annotated (67-11-102).

#### **Creation and Purpose**

Any municipality may, by resolution of its governing body, create a public body, corporate and politic, to be known as a municipal airport authority (67-11-102).

#### **Membership**

The governing body of the municipality shall, pursuant to the resolution, appoint not less than five persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of 1, 2, 3, 4, and 5 years, respectively, but thereafter each commissioner shall be appointed for a term of 5 years, except that vacancies occurring otherwise than by expiration of the term shall be filled for the unexpired term by the governing body (67-11-102).

#### **Authority**

The municipal airport authority shall be authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof; or the governing body may by resolution determine to exercise any or all powers granted to such authorities in this chapter until or unless such powers are or have been conferred upon a municipal or regional airport authority (67-11-102).

#### **Funding**

The airport authority may certify annually to the governing bodies the amount of tax requested to be levied by each municipality participating in the creation of the airport authority, and subject to 15-10-420, the municipality shall levy the amount certified, pursuant to provisions of law authorizing cities and other political subdivisions of this state to levy taxes for airport purposes. The levy may not exceed the maximum levy that may have been established by the municipality or municipalities in the resolution creating the authority (67-11-301). Subject to 15-10-420, in counties supporting airports or airport authorities, a county tax levy as provided for in 67-10-402 may be made for airport authority purposes (67-11-302).

### **Regional Airport Authority**

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The complete regional airport authority statutes are available in Montana Code Annotated (67-11-103).

#### **Creation and Purpose**

Two or more municipalities may by joint resolution create a public body, corporate and politic, to be known as a regional airport authority (67-11-103).

#### **Membership**

The resolution creating a regional airport authority must create a board of not less than five commissioners; the number to be appointed, their term and compensation, if any, must be provided for in the resolution (67-11-103).

#### **Authority**

Each regional airport authority shall organize, select officers for terms to be fixed by agreement, and adopt and amend from time to time rules for its own procedure consistent with 67-11-104 (67-11-103).

#### **Funding**

The airport authority may certify annually to the governing bodies the amount of tax requested to be levied by each municipality participating in the creation of the airport authority, and subject to 15-10-420, the municipality shall levy the amount certified, pursuant to provisions of law authorizing cities and other

political subdivisions of this state to levy taxes for airport purposes. The levy may not exceed the maximum levy that may have been established by the municipality or municipalities in the resolution creating the authority (67-11-301). Subject to 15-10-420, in counties supporting airports or airport authorities, a county tax levy as provided for in 67-10-402 may be made for airport authority purposes (67-11-302).

## **Economic Development / Infrastructure**

### **Business Improvement Districts**

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The complete business improvement district statutes are available in Montana Code Annotated 7-12-1101.

#### **Creation and Purpose**

Business improvement districts are created by the governing authority on petition of 60% of the property owners (within the proposed district area), after the passage of a resolution of intent, public hearing and passage of a resolution of creation (7-12-1111, 1112, 1114, 1115). Business improvement districts promote the health, safety, prosperity, security, and general welfare of the inhabitants of the district. The members (called trustees) also aid in tourism, promotion, and marketing within the district (7-12-1102).

#### **Membership**

A board of trustees, appointed by the governing authority, governs the district. The board must be made of at least five and not more than seven property owners from within the district. Each trustee serves a four-year term (7-12-1121).

#### **Authority**

The resolution of creation details the functions to be carried out by the trustees. Trustees have the authority to promote business activity and private investment and can contract with the governing authority to maintain, operate, and repair parking garages, streets, alleys, malls, bridges, ramps, tunnels, landscaping, and other public facilities. The business improvement district may also beautify public areas and provide police, maintenance, and cleaning personnel for public areas (7-12-1131).

#### **Funding**

Trustees provide the governing authority with an annual operating budget and the amount of tax to be assessed. Any debts incurred by the district may be paid only out of the district funds and consequently county funds may not be used (7-12-1133, 1144).

### **Rural Improvement Districts**

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The complete rural improvement districts statutes are available in Montana Code Annotated 7-12-2101.

#### **Creation and Purpose**

Whenever the public interest or convenience may require, the governing authorities may order and create special improvement districts outside of the limits of incorporated towns and cities for the purpose of building, constructing, or acquiring by purchase one or more of the improvements of the kind described in 7-12-4102, in or for the benefit of the special improvement district (7-12-2102). There are special provisions within rural improvement districts for districts for lighting (7-12-2201) and sanitary and storm sewers (7-12-2301).

#### **Membership**

If a rural improvement district includes areas in more than one county, the board of county commissioners of each county in which any portion of the district is situated shall, upon creation of the district and at a joint session, appoint an initial board of three trustees to administer the affairs of the district. At the end of the term of a trustee, the board of county commissioners of the county represented by the trustee shall appoint a new trustee. In case of a vacancy by death, resignation, removal from the district, or otherwise, a trustee shall be appointed by the board of county commissioners of the county represented by the trustee to fill the vacancy. At least one trustee shall be appointed from each county within the district (7-12-2121)

The county surveyor may be the engineer, as defined in 7-12-2101(6), for a rural improvement district (7-12-2116). It shall be the duty of the county clerk to prepare all necessary schedules and resolutions levying the taxes

and assessments in such special improvement district (7-12-2118).

### **Authority**

The board of trustees of a rural improvement district shall have all the powers and duties with respect to such district as the board of county commissioners has with respect to a district including the area of only one county (7-12-2123). Before ordering any of the proposed improvements, the trustees shall pass a resolution creating the special improvement district in accordance with the resolution of intention that is introduced and passed by the board (7-12-2113).

Whenever sanitary or storm sewers, lights or light systems, waterworks plants, water systems, sidewalks, or any other special improvements petitioned for or created by the state or federal government have been made, built, constructed, erected, or accomplished as provided in this part, the board of county commissioners under whose jurisdiction the district was created or supervised or directed shall adequately and suitably maintain and preserve the improvements and keep those improvements in proper repair and operation, by contract or otherwise (7-12-2120).

### **Funding**

All demands for incidental expenses in 7-12-2101(7), except for the administrative fee of the county and interest payable on warrants or bonds of the district, shall be presented to the county clerk by itemized bill, duly verified by oath of the demandant (7-12-2119). The whole cost of maintaining, preserving, and repairing improvements in any improvement district may, in the discretion of the board, be paid by assessing the entire district in the method provided for by 7-12-2108 (7-12-2120).

## **Special Improvement Districts**

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The complete special improvement district statutes are available in Montana Code Annotated 7-12-4101 and 7-12-4201. Subject to the powers granted and the limitations contained in this part, the powers and duties of the municipality and the procedure to be followed are as provided in parts 41 through 44 of chapter 12 for other types of special improvement district.

### **Creation and Purpose**

Whenever the public interest or convenience requires, the city council may create special improvement districts for acquiring by purchase, building, constructing, or maintaining devices intended to protect the safety of the public from open ditches carrying irrigation or other water; for acquiring by purchase or building and constructing municipal swimming pools and other recreation facilities; and order the whole or a portion, either in length or width, of one or more of the streets, avenues, alleys, or places or public ways of the city (7-12-4102). There are special provisions within special improvement districts for lighting districts (7-12-4301), street maintenance districts (7-12-4401), and street parking districts (7-12-4501).

### **Membership**

The governing body serves as the authority over the district. A joint resolution of the city and county must be passed agreeing to the terms of the special improvement district prior to passing the resolution of intention or the resolution creating the special improvement district. A copy of the resolution of intention and the resolution creating the special improvement district must be provided to the county commissioners upon the passage of the respective resolutions. In all those cities where there is no city engineer, the city council is hereby authorized and empowered to appoint a suitable person to discharge the duties laid down as those of the city engineer in this part, and all provisions of this part applicable to the city engineer shall apply to such person so appointed (7-12-4119).

### **Authority**

The city or town council may create special improvement districts, designating them by number; extend the time for payment of assessments levied upon the districts for district improvements for a period not exceeding 20 years or, if refunding bonds are issued pursuant to 7-12-4194, for a period not exceeding 30 years; make the assessments payable in installments; and pay all expenses of whatever character incurred in making the improvements with special improvement warrants or bonds (7-12-4102).

**Funding**

All demands for incidental expenses mentioned in 7-12-4101(7), except the administrative fee of the city and interest payable on warrants or bonds of the district, shall be presented to the city clerk by itemized bill, duly verified by oath of the demandant (7-12-4123).

**Television District**

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The television district statutes available in Montana Code Annotated 7-13-2501 have been repealed.

**Local Port Authority**

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The complete port authority statutes are available in Montana Code Annotated 7-14-1101.

**Creation and Purpose**

Any county or municipality may, by resolution of its governing body, create a local port authority, authorized to exercise its functions upon the appointment and qualification of the first commissioners (7-14-1101). The purposes of a port authority are to promote, stimulate, develop, and advance the general welfare, commerce, economic development, and prosperity of its jurisdiction and of the state and its citizens; endeavor to increase the volume of commerce within the jurisdiction of the port authority and the state; and cooperate and act in conjunction with other organizations, public or private, in the development of commerce, industry, manufacturing, services, natural resources, agriculture, livestock, recreation, tourism, health care, and other economic activity in the state (7-14-1104).

**Membership**

Upon the adoption of a resolution creating a local port authority, the governing body of the county or municipality shall, pursuant to the resolution, appoint or, at the option of the governing body, elect, as provided in 7-14-1106, not less than five persons as commissioners of the authority. The commissioners who are first appointed must be designated to serve for terms of 1, 2, 3, 4, and 5 years, respectively, but thereafter each commissioner must be appointed or elected for a term of 5 years, except that vacancies occurring other than by expiration of a term must be filled for the unexpired term by the governing body.

There must be elected a presiding officer and vice presiding officer from among the commissioners. An authority may employ an executive director, secretary, technical experts, and other officers, agents, and employees, permanent and temporary, that it may require and shall determine their qualifications, duties, and compensation. An authority may delegate to one or more of its agents or employees the powers or duties that it considers proper (7-14-1103). Each commissioner shall hold office until a successor has been appointed or elected and has qualified. The certificates of the appointment, reappointment, or election of commissioners must be filed with the authority (7-14-1103).

**Authority**

An authority has all the powers necessary or convenient to carry out the purposes of this part, including but not limited to the power to, (subject to 15-10-420,) request annually the amount of tax to be levied by the governing body for port purposes, which request the governing body may in its discretion approve for port purposes (7-14-1111).

**Funding**

A commissioner of an authority is entitled to receive expenses, as provided in 2-18-501 through 2-18-503, incurred in the discharge of duties. Any county or municipality for which an authority has been created upon such terms, with or without consideration, as it may determine may lend or donate money to the authority, and may provide that all or a portion of the taxes or funds available or to become available to or required by law to be used by the county or municipality for port purposes be transferred or paid directly to the port authority as such funds become available to the county or municipality (7-14-1105).

## **Regional Port Authority**

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The complete regional port authority statutes are available in Montana Code Annotated 7-14-1102.

### **Creation and Purpose**

Two or more local governments may by joint resolution create a public body, corporate and politic, to be known as a regional port authority. A regional port authority may be increased from time to time to serve one or more additional counties or municipalities if each additional local government, each of the local governments then included in the regional authority, and the commissioners of the regional authority, respectively, adopt a joint resolution consenting to the increase (7-14-1102).

The port authority shall promote, stimulate, develop, and advance the general welfare, commerce, economic development, and prosperity of its jurisdiction, endeavor to increase the volume of commerce, support the growth of all kinds of economic activity, and provide maximum opportunities for employment and improvement in the standard of living of its citizens (7-14-1104).

### **Membership**

The resolution creating a regional port authority must create a board of not less than five commissioners. The number to be appointed, their term, and their compensation, if any, must be provided for in the resolution. Each regional port authority shall organize, select officers for terms to be fixed by agreement, and adopt and amend from time to time rules for its own procedure (7-14-1102).

### **Authority**

The port authority may sue and be sued, acquire real or personal property, establish comprehensive port zoning regulations, and provide financial and other support to organizations in its jurisdiction whose purpose is to promote, stimulate, develop, and advance the general welfare and economic development of its jurisdiction (7-14-1101).

### **Funding**

Local port authority commissioners may submit the amount of tax to be levied by municipalities and counties participating, issue bonds, and charge fees for the use of services (7-14-1111, 1125, 1133). In counties supporting ports of port authorities, a levy authorized in 67-10-402 may be made for such purposes (7-14-1132).

## **Local Improvement Districts**

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The local improvement district statutes in Montana Code Annotated 7-14-2701 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

## **Technology Districts**

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The complete television district statutes available in Montana Code Annotated 7-15-4295 have been repealed. See 7-15-4279 Targeted economic development districts.

## **Industrial Districts**

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The complete industrial district statutes available in Montana Code Annotated 7-15-4299 have been repealed. See 7-15-4279 Targeted economic development districts.

## **Museum and Facilities for the Arts Board**

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The museum and facilities for the arts board statutes in Montana Code Annotated 7-16-2201 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

## **Elections**

### **Board of County Canvassers**

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To view the complete statute describing county canvassers, refer to Montana Code Annotated (13-15-401).

#### **Creation and Purpose**

Every county will have a board of county canvassers (13-15-401). County canvassers certify votes cast within the county for federal, state and local elections including president and vice-president of the United States, congressional offices, state and district offices, state legislators, district court judges, and multi-county ballot issues. The certification is given to the state board of canvassers (13-15-501).

#### **Membership**

The governing authority of the county or consolidated local government is ex officio a member of board of county canvassers. If the governing authority cannot attend, the board of county canvassers must choose another county official to fill the vacant authority's place. Any political subdivisions within the county, which participated in the election, may send their governing authorities to join in canvassing the votes (13-15-401).

#### **Authority**

The county canvassers shall open the returns, audit the tally books or other records of votes cast, determining the vote for each individual and for and against each ballot issue from each precinct, compile totals, and declare or certify the results (13-15-403).

#### **Funding**

No funding source is specifically authorized in the Montana Code Annotated.

## **Fair**

### **Fair Commission**

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The county fair commission statutes in Montana Code Annotated 7-21-3401 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

### **Multi-County Fair Districts**

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The county fair commission statutes in Montana Code Annotated 7-21-3401 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

### **Joint Fair and Civic Center Commission**

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The joint fair and civic center commission statutes in Montana Code Annotated 7-21-3401 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

## **Fire**

### **Fire Hydrant Maintenance Districts**

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The complete fire hydrant maintenance district statutes are available in Montana Code Annotated 7-12-4601.

#### **Creation and Purpose**

The city or town council shall estimate, as nearly as practicable, the entire cost of installing and maintaining fire hydrants each year and the portion thereof to be assessed against the property within the district. Before the first Monday in October, the council must pass and finally adopt a resolution levying and assessing the property within the district (7-12-4611).

#### **Membership**

Membership is subject to the authorization of the governing body.

#### **Authority**

If the governing authorities determines that the area, frontage, or combination options are inequitable, it

may assess the cost of fire hydrant installation and maintenance against the entire district, each lot or parcel of land within such district to be assessed for that part of the whole cost that its taxable valuation, including improvements, bears to the taxable valuation of the entire district; or against the entire district, each lot or parcel of land receiving service within the district to be assessed by apportioning the whole cost according to a ratio between the water meter size servicing each lot or parcel and the whole cost (7-12-4611).

### **Funding**

The governing authorities may assess the costs of fire hydrant maintenance through a resolution of assessment or it may collect the costs by assessing them along with water and sewer fees (7-12-4612).

## **Rural Fire Districts**

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The complete rural fire district statutes are available in Montana Code Annotated (7-33-2101).

### **Creation and Purpose**

The petition to create a rural fire district must be signed by a majority of tax-paying landowners within the proposed area (the difference between a rural fire district and fire service area is that service areas only require 30 landowners to sign the petition). Governing authorities must hold a public hearing and may then authorize the creation of the district (7-33-2101, 2103). Trustees provide firefighting and emergency response apparatus, equipment, personnel, housing, and facilities for the protection of the district. Trustees also appoint and form fire companies and prepare an annual budget (7-33-2105).

### **Membership**

Governing authorities can contract with another entity to provide fire protection to the district. Alternately, authorities can appoint five trustees to govern and manage the district (7-33-2104).

### **Authority**

Trustees have the authority to provide firefighting and emergency response apparatus, equipment, personnel, housing, and facilities for the protection of the district (7-33-2105).

### **Funding**

Governing authorities may levy a tax upon all property within the district for the purpose of buying or maintaining fire protection facilities or for paying city, town, or private fire services for providing protection to the district (7-33-2109). A rural fire district may also issue bonds to provide funds for the cost of buying or maintaining fire protection facilities (7-33-2109).

## **Fire Service Area**

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The complete fire service area statutes are available in Montana Code Annotated 7-33-2401.

### **Creation and Purpose**

The creation of a fire service area begins when at least thirty landowners in the proposed area petition the board of county commissioners. Fire Service Areas differ from Fire Districts that require a majority of the landowners in the proposed area to petition the governing authorities. The board of county commissioners must pass a resolution of intent to establish an area and hold a public hearing before passing the resolution creating the fire service area (7-33-2401). The fire service area may provide residents of the area with fire and emergency response equipment, personnel, facilities, and maintenance. The area may also contract for services and submit a fire code and a plan for enforcement to the Montana Department of Justice (7-33-2402).

### **Membership**

The fire district area may be governed and managed by either the county commissioners, five trustees appointed by the county commissioners, or five elected trustees (7-33-2403).

### **Authority**

Trustees have the authority to provide adequate and standard firefighting and emergency response apparatus, equipment, personnel, housing, and facilities for the protection of the district. They will appoint and form fire companies. Trustees must prepare an annual operating budget (7-33-2403).

## **Funding**

Fire service areas are financed through rates charged to structure owners in the district who benefit from the fire protection services offered. In the resolution creating the fire service area and by resolution as necessary after creation of the fire service area, the board of county commissioners shall establish a schedule of rates to be charged to owners of structures and owners of undeveloped land that are benefited by the services offered by the fire service area. The income of the fire service area may be used to procure equipment and buildings to house the equipment (7-33-2404).

## **Governance**

### **Community Councils**

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The complete statute detailing community councils can be found in Montana Code Annotated 7-3-223, 7-3-317, 7-3-417, and 7-3-516, depending on the form of local government chosen.

#### **Creation and Purpose**

Community councils are established by local governments and adopted by voters and serve to advise governing authorities. Councils are elected from within the voting district or authorized by ordinance (7-3-516).

#### **Membership**

Community councils must consist of at least three members to advise the governing authority from that district; the term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters (7-3-223, 7-3-317, 7-3-417, and 7-3-516).

#### **Authority**

Community councils serve in an advisory capacity only (7-3-223, 7-3-317, 7-3-417, and 7-3-516).

#### **Funding**

No funds are specifically allocated in statute to this board.

### **County Compensation Board**

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The complete County Compensation Board statutes are available in Montana Code Annotated 7-4-2503.

#### **Creation and Purpose**

The county compensation board shall hold hearings annually for the purpose of reviewing the compensation paid to county officers. The county compensation board may consider the compensation paid to comparable officials in other Montana counties, other states, state government, federal government, and private enterprise (7-4-2503).

#### **Membership**

The county compensation board consists of the county commissioners, three of the county officials described in subsection 1 (county treasurer, county clerk and recorder, clerk of the district court, county assessor, county superintendent of schools, county sheriff, county surveyor in counties where county surveyors receive salaries as provided in 7-4-2812, justice of the peace, county coroner, and county auditor), the county attorney, two to four resident taxpayers appointed initially by the board of county commissioners to staggered terms of 3 years, with the initial appointments of one or two taxpayer members for a 2-year term and one or two taxpayer members for a 3-year term, and one resident taxpayer appointed by each of the three county officials described in subsection 1 (although not mandatory).

#### **Authority**

The county compensation board shall prepare a compensation schedule for the elected county officials, including the county attorney, for the succeeding fiscal year. The schedule must take into consideration county variations, including population, the number of residents living in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, and other factors considered necessary to reflect the variations in the workloads and responsibilities of county officials as well as the tax resources of the county. A recommended compensation

schedule requires a majority vote of the county compensation board, and at least two county commissioners must be included in the majority.

### **Funding**

Funding for this board is not mentioned in the statutes.

## **Health**

### **Solid Waste Management District**

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The complete solid waste management district statutes available in Montana Code Annotated 7-13-201 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

### **Hospital Districts**

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The complete hospital district statutes are available in Montana Code Annotated 7-34-2101.

#### **Creation and Purpose**

The creation of the hospital district begins when citizens within the proposed district petition the governing authorities. A public hearing is held, followed by a formal election. If a majority of citizens in the district vote in favor of creation, governing authorities are authorized to establish the hospital district (7-34-2101, 2103, 2106, 2109, 2114). Hospital districts are responsible for the acquisition, betterment, operation, maintenance, and administration of hospital facilities (7-34-2122).

#### **Membership**

Three to five trustees, elected by voters, govern and manage the hospital district. The number of trustees is determined in the hospital district bylaws. Trustees serve a three year terms (7-34-2115, 2118). Remaining trustees appoint new trustees to fill vacancies on the board. An appointed trustee will serve out the remaining term before the next trustee election (7-34-2121).

#### **Authority**

The hospital district may acquire property, adopt rules for the administration and operation of hospital facilities, collect charges for all services and facilities provided and made available by it, and may obtain insurance (7-34-2122).

#### **Funding**

Hospital districts may issue notes and bonds to finance acquisition, furnishing, equipping, improving, extending, and bettering the hospital facilities. Bonds can provide working capital for a new hospital while notes can supply working capital for the district (7-34-2131).

### **Health Care Facilities Commission**

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The complete health care facilities commission statute is available in Montana Code Annotated (7-34-2202).

#### **Creation and Purpose**

Governing authorities may create a health care facilities commission. The health care facilities commission will manage local health care facilities. Other responsibilities will be outlined in the resolution creating the health care facilities commission (7-34-2202).

#### **Membership**

The governing authorities detail membership qualifications in the resolution creating the health care facilities commission (7-1-2).

#### **Authority**

The health care facilities commission will manage local health care facilities. Other responsibilities will be outlined in the resolution creating the health care facilities commission (7-34-2201).

#### **Funding**

The governing authorities detail finance options (subject to the general board statutes (7-1-201)) in the resolution

creating the health care facilities commission. The commission may, under the limitations and restrictions prescribed by law, lease county buildings, equipment, furniture, and fixtures for health care facility purposes, with full power of lessor except as limited in this section, upon the terms and conditions that the board may decide upon. The rentals received under the lease or leases must be paid into the general fund of the county. Also, money in the county general fund may be transferred to a state agency to be used as matching funds for the receipt of federal money for health care purposes (7-34-2204).

## **County Boards of Health**

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The complete county health board statutes are available in Montana Code Annotated 50-2-104.

### **Creation and Purpose**

The purpose of the board is to supervise destruction and removal of all sources of disease-causing filth, guard against the introduction of communicable disease, supervise sanitary inspections of public establishments, and control and dispose of sewage that is not otherwise regulated. The board must appoint a local health officer (50-2-116).

### **Membership**

Board membership is made up of either the county commissioners and two appointed members or at least five appointed members who serve at the commissioners' pleasure. Board members serve three year terms (50-2-104).

### **Authority**

In order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall appoint and fix the salary of a local health officer who has the necessary education and credentials (50-2-116). The local health board shall adopt and enforce quarantine to prevent the spread of communicable diseases and furnish treatment for persons who have a communicable disease, abate nuisances affecting public health and safety, reimburse local health officials for necessary expenses, maintain sewage treatment systems, and adopt fees to regulate to control and disposal of sewage from private and public settings (50-2-116).

### **Funding**

Health boards are financed by an appropriation from the general fund of the county (50-2-109). The department may accept funds for public health from an agency of the federal government or from any other agency or person and allocate funds to local boards (50-2-103). Local boards are financed by general fund appropriations, special levy appropriations, state and federal funds available, and contributions from school boards and other official and nonofficial agencies. There is within the state special revenue fund a local board inspection fund account (50-2-108).

## **City Boards of Health**

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The complete city health board statutes are available in Montana Code Annotated 50-2-105.

### **Creation and Purpose**

The purpose of the board is to supervise destruction and removal of all sources of disease-causing filth, guard against the introduction of communicable disease, supervise sanitary inspections of public establishments, and control and dispose of sewage that is not otherwise regulated. The board must appoint a local health officer (50-2-116).

### **Membership**

There is a city board of health in each first- and second-class city consisting of five persons who are appointed by the governing body of the city and serve at its pleasure. Terms of appointed members shall be staggered and shall be for 3 years each. The governing body of the city shall establish the staggered order of terms and all regulations necessary to establish and maintain the board (50-2-105).

### **Authority**

In order to carry out the purposes of the public health system, in collaboration with federal, state, and local

partners, each local board of health shall appoint and fix the salary of a local health officer who has the necessary education and credentials (50-2-116). The local health board shall adopt and enforce quarantine to prevent the spread of communicable diseases and furnish treatment for persons who have a communicable disease, abate nuisances affecting public health and safety, reimburse local health officials for necessary expenses, maintain sewage treatment systems, and adopt fees to regulate to control and disposal of sewage from private and public settings (50-2-116).

### **Funding**

City boards are financed by an appropriation from the general fund of the city after approval of a budget. The department may accept funds for public health from an agency of the federal government or from any other agency or person and allocate funds to local boards (50-2-103). Local boards are financed by general fund appropriations, special levy appropriations, state and federal funds available, and contributions from school boards and other official and nonofficial agencies. There is within the state special revenue fund a local board inspection fund account (50-2-108).

## **City-County Boards of Health**

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The complete city health board statutes are available in Montana Code Annotated 50-2-106.

### **Creation and Purpose**

By mutual agreement between the county commissioners and the governing body of the city or cities, the county and a city or cities may form a city-county board of health (50-2-106). The purpose of the board is to supervise destruction and removal of all sources of disease-causing filth, guard against the introduction of communicable disease, supervise sanitary inspections of public establishments, and control and dispose of sewage that is not otherwise regulated. The board must appoint a local health officer (50-2-116).

### **Membership**

The board must be composed of at least five persons. A city-county board of health consists of one person appointed by the county commissioners who serves at their pleasure; one person appointed by the governing body of each city that participates in the city-county board who serves at the pleasure of the appointing governing body; additional members appointed by the county commissioners and governing body or bodies of the city or cities participating in the city-county board as mutually agreed upon who serve at the pleasure of the appointing commissioners or governing body. Terms of appointed members must be staggered and must be for 3 years each. By mutual agreement between the county commissioners and the governing body of the city or cities, they shall establish the staggered order of terms and all regulations necessary to establish and maintain the board (50-2-106).

### **Authority**

In order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall appoint and fix the salary of a local health officer who has the necessary education and credentials (50-2-116). The local health board shall adopt and enforce quarantine to prevent the spread of communicable diseases and furnish treatment for persons who have a communicable disease, abate nuisances affecting public health and safety, reimburse local health officials for necessary expenses, maintain sewage treatment systems, and adopt fees to regulate to control and disposal of sewage from private and public settings (50-2-116).

### **Funding**

The county commissioners and governing body of each participating city may mutually agree upon the division of expenses under 7-6-4001 or 15-10-420.

## **District Boards of Health**

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The complete health districts statutes are available in Montana Code Annotated 50-2-107.

### **Creation and Purpose**

By mutual agreement, two or more adjacent counties may unite to create a district board of health. First- and second-class cities located in those counties may elect to be included in the district (50-2-107). The purpose of the board is to supervise destruction and removal of all sources of disease-causing filth, guard against the introduction of communicable disease, supervise sanitary inspections of public establishments, and control and dispose of sewage that is not otherwise regulated. The board must appoint a local health officer (50-2-116).

### **Membership**

A district board of health consists of one person appointed by the county commissioners of each county in the district who serves at the pleasure of the appointing commissioners; one person appointed by the governing body of each city that elects to be included in the district who serves at the pleasure of the appointing governing body; additional members appointed by the county commissioners of each county that participates in the district board as mutually agreed upon who serve at the pleasure of the appointing commissioners (50-2-107).

### **Authority**

In order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, each local board of health shall appoint and fix the salary of a local health officer who has the necessary education and credentials (50-2-116). The local health board shall adopt and enforce quarantine to prevent the spread of communicable diseases and furnish treatment for persons who have a communicable disease, abate nuisances affecting public health and safety, reimburse local health officials for necessary expenses, maintain sewage treatment systems, and adopt fees to regulate to control and disposal of sewage from private and public settings (50-2-116).

### **Funding**

District boards are financed by appropriations from the general funds of each county in the district in proportion to the population in each county. First- and second-class cities which elect to be included in the district contribute to the county in which they are located in the way provided for city-county boards under (50-2-111). All funds shall be deposited with the county treasurer of one of the counties as agreed upon by the commissioners of the counties in the district. The county treasurer shall disburse the funds as county funds (50-2-112).

## **Housing and Building**

### **County Building Commission**

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For the complete description of the county building commission, refer to Montana Code Annotated 7-8-2103.

### **Creation and Purpose**

Governing authorities may create a building commission to assist the authorities to erect, furnish, equip, expand, improve, and maintain public buildings as may be necessary. In addition, a city and a county may, by contract, construct, purchase, or lease and manage a city-county building to house the offices of city government and county government (7-8-201).

### **Membership**

Membership is subject to General Board Statutes (7-1-201).

### **Authority**

The commission has jurisdiction and power to insure the county buildings, and must complete an inventory covering all county tools, machinery, and equipment (7-6-2104 and 7-6-2111).

### **Funding**

County commissioners, in the county building commission's resolution of creation, will detail the commission funding.

## County Housing Authority

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The complete county housing authority statutes are available in Montana Code Annotated 7-15-2102.

### **Creation and Purpose**

Housing authorities provide decent, safe, sanitary dwelling accommodations to rural residents of low income. Housing authority members manage and operate rural housing projects in an efficient manner at the lowest possible cost (consistent with their charge) and without profit. The housing projects may include purchase, leasing, renting or selling of housing to low income rural residents (7-15-2113, 2121, and 2122). County residents petition the governing authorities for the need of a housing authority. After holding a public hearing, authorities may adopt a resolution finding the existence of unsanitary or unsafe dwelling accommodations (7-15-2102, 2105).

### **Membership**

The governing body appoints five commissioners to act as a housing authority. The presiding officer is designated by the governing body. Housing authority commissioners serve five year terms and serve until a qualified successor is appointed (7-15-2105, 4431, 4432).

### **Authority**

Housing authorities created for counties are empowered and authorized to borrow money, accept grants, and exercise other powers to provide low-income housing for rural residents. Authorities may enter into leases or purchase agreements, and rent or sell dwellings (7-15-2121 and 2122).

### **Funding**

Housing authorities may borrow money and accept grants to provide housing (7-15-2121).

## Municipal Housing Authority

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The complete municipal housing authority statutes are available in Montana Code Annotated 7-15-4401 and 7-15-4501.

### **Creation and Purpose**

Unsanitary or unsafe dwelling accommodations exist in urban areas throughout the state, and such unsafe or unsanitary conditions arise from overcrowding and concentration of population, the obsolete and poor conditions of buildings, improper planning, excessive land coverage, lack of proper light, air, and space, unsanitary design and arrangement, lack of proper sanitary facilities, and the existence of conditions which endanger life or property by fire and other causes (7-15-4401).

It is in the public interest that work on such projects be instituted as soon as possible and the necessity for the provisions hereinafter enacted is hereby declared, as a matter of legislative determination, to be in the public interest (7-15-4401).

The ordinance authorized by 7-15-4406(2) is not effective until it has been approved by a majority vote of the registered electors within the city limits voting either at a special election held in conjunction with a regular or primary election or at a general election (7-15-4408).

### **Membership**

An authority consists of seven commissioners appointed by the mayor. The mayor shall designate the first presiding officer. A commissioner may not be a city official. Two of the commissioners must be directly assisted by the housing authority and are known as resident commissioners. The staff of the housing authority may not involve itself in the nomination or appointment of resident commissioners, except that the housing authority shall notify all of the households directly assisted by the housing authority when a resident commissioner position is vacant (7-15-4431).

### **Authority**

An authority shall exercise public powers and have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part and part 45, including the following powers in addition to others herein granted. An authority shall have power to sue and be sued; have a seal and alter the same at pleasure; have

perpetual succession; make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority; make and from time to time amend and repeal bylaws and rules, not inconsistent with this part and part 45, to carry into effect the powers and purposes of the authority. In addition to all of the other powers herein conferred upon it, an authority may do all things necessary and convenient to carry out the powers expressly given in this part and part 45 (7-15-4451).

### **Funding**

The governing authority shall first, make an estimate of the amount of money necessary for the administrative expenses and overhead of the housing authority during the first year following the incorporation of the housing authority; second, shall appropriate such amount to the authority out of any money in the city treasury not appropriated to some other purpose; and third, shall cause the money so appropriated to be paid the authority as a donation (7-15-4417).

In addition to the power granted in 7-15-4417, any municipality located in whole or in part within the boundaries of a housing authority may, annually and from time to time, make donations or advances to the authority of such sums as the municipality in its discretion may determine (7-15-4418).

## **Land Use and Planning**

### **County Board of Park Commissioners**

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The complete county board of park commissioners statutes are available in Montana Code Annotated 7-16-2301.

#### **Creation and Purpose**

Governing authorities may, by resolution, create a county board of park commissioners (7-16-2301).

The county board of park commissioners govern the use of park land and facilities (7-16-2322).

#### **Membership**

The number of members, terms, and special qualifications of members will be determined by the governing authorities in the resolution creating the county board of park commissioners (7-16-2301).

#### **Authority**

The county board of park commissioners make rules to govern the use of park land and facilities. The board also employs a park superintendent to manage park lands. A county park warden may be employed by the board to enforce the rules (7-16-2322). The park commissioners may lease lands owned by the county (7-16-2323). The board may make all contracts necessary or convenient for carrying out any and all of the powers (7-16-2325).

#### **Funding**

The county board of park commissioners is only authorized to spend money existing in the county park fund. This fund is comprised of revenue from sale of hay, trees, plants, or the leasing of facilities and lands. Park commissioners may accept federal grants and loans (7-16-2328, 2329, 2332).

### **County Park District**

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County Park District statutes in Montana Code Annotated 7-16-2401 through 7-16-2443 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

### **Municipal Board of Park Commissioners**

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The complete municipal board of park commissioners statutes are available in Montana Code Annotated 7-16-4201.

#### **Creation and Purpose**

There may be created by ordinance in all cities of the first and second class a board of park commissioners, whether the cities are a council form of government or city-manager form (7-16-4201).

**Membership**

The number of members, terms, and special qualifications of members will be determined by the governing authorities in the resolution creating the municipal park commission and must meet the same requirements as those provided for a county resolution in 7-1-201 (7-16-4201).

**Authority**

The city or town council has power to lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve parks and to vacate the same (7-16-4101). The municipal board of park commissioners has the authority to make all rules necessary or convenient to protect and promote the growth of trees and plants in parks, streets, avenues, alleys, boulevards, and public places under the care and control of the board and for the protection of all birds inhabiting, frequenting, or nesting in the parks, streets, avenues, boulevards, and public places. The board also has the authority to make all rules for the use of parks by the public; and to provide penalties for the violation of the rules (7-16-4222).

The board of park commissioners shall have the power and be charged with the duty to lease all lands owned by the city heretofore acquired for parks, whether within or without the city, which, in the judgment of the board, it shall not be advisable to improve as parks, upon such terms and conditions as the board shall deem to be for the best interests of the city (7-16-4223).

**Funding**

Subject to 15-10-420 and for the purpose of procuring, equipping, and maintaining public parks, swimming pools, skating rinks, playgrounds, civic centers, youth centers, museums, and combination of purposes and facilities, the council or commission in any city or town may levy, in addition to the levy for general municipal or administrative purposes, a tax on the taxable value of all taxable property in the city or town (7-16-4105).

**Cemetery Districts**

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Cemetery district statutes in Montana Code Annotated (7-35-2101 through 7-35-2150) have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

**County Tax Appeal Board**

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The complete county tax appeal board statutes are available in Montana Code Annotated 15-15-101.

**Creation and Purpose**

Governing authorities shall appoint a tax appeal board. The purpose of the board is to hear taxpayers' appeals from property tax assessments and change any assessment or fix the assessment at some other level (15-15-101).

**Membership**

Governing authorities will appoint a three member board. Each member must be a resident of the county and will serve a three year term (15-15-101). At the organizational meeting the members shall choose one member as the presiding officer of the board. In counties that have appointed more than three members to the county tax appeal board, only three members shall hear each appeal. The presiding officer shall select the three members hearing each appeal.

**Authority**

The county tax appeal board will hear taxpayers' appeals from property tax assessments. The board is authorized to change any assessment or fix an assessment at another level in connection with an appeal (15-15-101). Board members may also reduce the valuation of property when the taxpayer (who is applying for the reduction in valuation) has filed the written application for reduction, is in attendance at the county tax appeal board meeting, and has been questioned about the value of their property (15-15-102, 103).

**Funding**

No monetary funds are handled by this board. Board members receive compensation of \$45 dollars a day and travel expenses only when the board meets to hear taxpayers' appeals or when they are attending meetings called by the state tax appeal board (15-15-101).

## County Planning Boards

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The complete planning board statutes are available in Montana Code Annotated 76-1-101.

### **Creation and Purpose**

The governing body of any county may create a planning board in order to promote the orderly development of its governmental units and its environs (76-1-101). The purpose is to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds (76-1-102).

### **Membership**

County planning boards must include at least five members appointed by the governing authorities. At least one member of a county planning board existing on or formed after July 1, 1973, must be a member of the governing board of a conservation district as provided for in 76-1-211. If a city or town subsequently becomes represented on the county planning board pursuant to 76-1-111, additional members of the planning board representing the cities or towns must be appointed by the respective city councils (76-1-211).

### **Authority**

The planning board serves to advise the local governing body. The board may propose policies for: subdivision plats; development of public ways, places, structures, and utilities; issuance of improvement location permits; and laying out public ways and services. Upon request of the public body, the planning board will prepare a growth policy to promote public health, safety, morals, convenience, general welfare, efficiency, and the economy (76-1-106). The governing authorities shall also require the county planning board to recommend boundaries and appropriate regulations for the various zoning districts (76-2-204).

### **Funding**

After the governing authorities have, by ordinance and resolution, created a planning board, the governing bodies represented upon such board may appropriate funds to carry out duties of the planning board. When a planning board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and may budget and appropriate funds necessary for the respective shares thus agreed upon (76-1-402).

## City Planning Boards

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The complete planning board statutes are available in Montana Code Annotated 76-1-101.

### **Creation and Purpose**

The governing body of any city or town may create a planning board in order to promote the orderly development of its governmental units and its environs (76-1-101). The purpose is to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds (76-1-102).

### **Membership**

A city planning board shall consist of not less than seven members to be appointed as follows: one member to be appointed by the city council from its membership; one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located; one member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located; four citizen members to be appointed by the mayor, two of whom shall be

resident freeholders within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom shall be resident freeholders within the city limits (76-1-221). The clerk of the city council shall certify members appointed by its body. The certificates shall be sent to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members (76-1-221).

### **Authority**

The planning board serves to advise the local governing body. The board may propose policies for: subdivision plats; development of public ways, places, structures, and utilities; issuance of improvement location permits; and laying out public ways and services. Upon request of the public body, the planning board will prepare a growth policy to promote public health, safety, morals, convenience, general welfare, efficiency, and the economy (76-1-106). The governing authorities shall also require the county planning board to recommend boundaries and appropriate regulations for the various zoning districts (76-2-204).

### **Funding**

After the governing authorities have, by ordinance and resolution, created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board. When a planning board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and may budget and appropriate the funds necessary for the respective shares thus agreed upon (76-1-402).

## **City-County Planning Boards**

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The complete planning board statutes are available in Montana Code Annotated 76-1-101.

### **Creation and Purpose**

The governing body of any city or town, the governing bodies of more than one city or town, or the governing body of any county or any combination thereof may create a planning board in order to promote the orderly development of its governmental units and its environs (76-1-101). The purpose is to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds (76-1-102).

### **Membership**

A city-county planning board consists of no fewer than nine members to be appointed as follows: two official members who reside outside the city limits but within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners, who may in the discretion of the board of county commissioners be employed by or hold public office in the county; two official members who reside within the city limits to be appointed by the city council, who may in the discretion of the city council be employed by or hold public office in the city; two citizen members who reside within the city limits to be appointed by the mayor of the city; two citizen members who reside within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners (76-1-201).

The ninth member is to be appointed by the board of supervisors of a conservation district provided for in 76-15-311 from the members or associate members of the board of supervisors, subject to approval of the members provided for in subsections (1)(a) through (1)(d) in 76-1-201. However, if there is no member or associate member of the board of supervisors of a conservation district who is able or willing to serve on the city-county planning board, the ninth member of the city-county planning board must be selected by the eight officers and citizen members pursuant to subsections (1)(a) through (1)(d) of 76-1-201, with the consent and approval of the board of county commissioners and the city council (76-1-201).

**Authority**

The planning board serves to advise the local governing body. The board may propose policies for: subdivision plats; development of public ways, places, structures, and utilities; issuance of improvement location permits; and laying out public ways and services. Upon request of the public body, the planning board will prepare a growth policy to promote public health, safety, morals, convenience, general welfare, efficiency, and the economy (76-1-106). The governing authorities shall also require the county planning board to recommend boundaries and appropriate regulations for the various zoning districts (76-2-204).

**Funding**

After the governing authorities have, by ordinance and resolution, created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board. When a planning board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and may budget and appropriate the funds necessary for the respective shares thus agreed upon (76-1-402).

**Joint or Consolidated Planning Boards**

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The complete joint or consolidated planning board statutes are available in Montana Code Annotated 76-1-112.

**Creation and Purpose**

Any existing city, county, or city-county planning board may form a joint or consolidated planning board with any other existing city, county, or city-county planning board or with any combination of these boards. The manner of combination must be by interlocal agreement of the cities, counties, and towns represented on the existing planning boards pursuant to 7-11-1. The interlocal agreement must state the name of the combined board; specify whether a joint or combined board is formed; specify the representation, means and manner of appointment, membership duties, and manner of sharing costs of the combined board, be on any basis agreeable to the governing bodies of the cities, counties, and towns represented on the existing planning boards (76-1-112).

The purpose is to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds (76-1-102).

**Membership**

Membership of any city-county board formed pursuant to this section must have representation consistent with the requirements of 76-1-201 (76-1-112).

**Authority**

If a consolidated board is formed, the existing city, county, and city-county planning boards must be dissolved and the consolidated board has the rights, duties, powers, and obligations of the existing planning boards. If a joint board is formed, the existing planning boards may not be dissolved and the joint board has the rights, duties, powers, and obligations that are contained in the interlocal agreement (76-1-112).

**Funding**

After the governing authorities have, by ordinance and resolution, created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board. When a planning board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and may budget and appropriate the funds necessary for the respective shares thus agreed upon (76-1-402).

## County Planning and Zoning Commission

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The complete planning and zoning commission statutes are available in Montana Code Annotated 76-2-101. Title 76, Chapter 2 of the Montana Code Annotated addresses Land Resources Planning and Zoning. Within this Chapter is Part 1 describing Planning and Zoning Commissions and Part 2 describing Zoning Commissions. The fundamental difference between the Planning and Zoning Commission and the Zoning Commission involves the membership and methods of creation. For further details, see County Zoning Commission, Municipal Zoning Commission, and the Zoning Boards of Adjustment.

### **Creation and Purpose**

Upon receiving a petition signed by 60% of “affected freeholders,” county commissioners may create a planning and zoning district and appoint a planning and zoning commission (76-2-101). Members of the commission are charged with furthering the health, safety, and general welfare of the people of the county and may make and adopt a development pattern for the physical and economic development of the planning and zoning district (76-2-104).

### **Membership**

The governing authorities will appoint the planning and zoning commission. The seven member commission consists of: Three county commissioners; The county surveyor; Two citizen members, each of whom resides in a different planning and zoning district; and a county official appointed by the county commissioners. Citizen members serve two year terms (76-2-101, 102).

### **Authority**

The planning and zoning commission is an advisory board. The commission develops and adopts a development pattern resolution for the physical and economic development of the planning and zoning district. The development pattern shows the commission’s recommendations for development districts. Among the details are future uses of the land or buildings (including construction and maintenance of certain buildings or industries, and open spaces as well as future building setback lines (76-2-104)). The resolution is then submitted to the county commissioners for approval (76-2-107). The commission may provide building permits and collect fees from the sale of permits. The fees go into the general fund of the county (7-2-108). The resolutions adopted by this commission will not regulate grazing, horticultural, agricultural, or timbered lands (76-2-109). Appeals from this board are taken to the district court (76-2-110).

### **Funding**

Finances necessary to pay employees and carry out the work of the planning and zoning commission are paid from a levy on taxable property within the district (76-2-102).

## County Zoning Commission

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The complete county zoning commission statute is available in Montana Code Annotated 76-2-201.

### **Creation and Purpose**

The county commissioners may create a zoning commission to provide an additional method of creating or amending zoning regulations or zoning classifications (76-2-220) for the purpose of promoting the public health, safety, morals, and general welfare (76-2-201).

### **Membership**

The commission must be composed of at least five citizen members appointed at large from the zoning district. The county commissioners may adopt bylaws for the zoning commission pertaining to the qualifications of the members and such other matters as the commissioners consider necessary (76-2-220).

### **Authority**

The commission is advisory and recommends amendments to zoning regulations and classifications. These recommendations are submitted to county commissioners (76-2-220).

### **Funding**

The board of commissioners also provide for the issuance of location or conformance permits and may collect a fee for each such permit. The proceeds of such fees shall be deposited in the general fund of the county (76-2-207).

## **County Zoning Board of Adjustment**

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The complete county zoning board of adjustment statutes are available in Montana Code Annotated 76-2-221.

### **Creation and Purpose**

If zoning districts are created, as authorized in Title 76, Chapter 2 of the Montana Code Annotated, the county commissioners will appoint a zoning board of adjustment (76-2-221). The board of adjustment hears and decides appeals related to land resources and use (76-2-223).

### **Membership**

Five citizens will be appointed by the county commissioners to serve on the board of adjustment. They will serve two-year terms and can be removed for cause by the county commissioners after written charges and a public hearing (76-2-222).

### **Authority**

The board adjustment has the powers: To hear and decide appeals where an error may have been made by an administrative official's order, requirement, or determination in the enforcement of county zoning defined in Montana Code Annotated (76-2-201) or zoning resolutions adopted by the county and, to hear, decide, and authorize special exceptions to the terms of a zoning resolution (76-2-223).

### **Funding**

No costs are assessed against the board, unless the board acted in bad faith, the gross negligence, or with malice (76-2-228).

## **Municipal Zoning Commission**

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The complete municipal zoning commission statute is available in Montana Code Annotated 76-2-301.

### **Creation and Purpose**

For the purpose of promoting health, safety, morals, or the general welfare of the community, the city or town council or other legislative body of cities and incorporated towns is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose (76-2-301).

### **Membership**

In order to avail itself of the powers conferred by this part, except 76-2-306, the city or town council or other legislative body shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein (76-2-307).

### **Authority**

The city or town council or other legislative body may provide by ordinance for the enforcement of this part and of any regulation or ordinance made thereunder. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this part or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair conversion, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of such building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises (76-2-308).

### **Funding**

Funding for this commission is not mentioned in the municipal zoning commission statutes (76-2-301).

## **Municipal Zoning Board of Adjustment**

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The complete municipal zoning board of adjustment statutes are available in Montana Code Annotated 76-2-321.

### **Creation and Purpose**

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to part (76-2-301), Municipal Zoning.

### **Membership**

The board of adjustment shall consist of not less than five or more than seven members to be appointed for a term to be specified by the city or town council or other legislative body or, if no term is specified, then for a term of 3 years. A member is removable for cause by the appointing authority upon written charges and after public hearing (76-2-322).

### **Authority**

The board of adjustment shall have the following powers: to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this part or of any ordinance adopted pursuant thereto; to hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done. In exercising the above-mentioned powers, such board may, in conformity with the provisions of this part, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken (76-2-323).

### **Funding**

A city or town council or other legislative body may provide for the appointment of a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this part may provide that the board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purposes and intent and in accordance with the general or specific rules contained in the ordinance (76-2-321).

## **Open Space Commission**

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The complete open space commission statutes are available in Montana Code Annotated 76-6-101.

### **Creation and Purpose**

Any governing body may establish by resolution a board or commission to exercise its powers under this chapter (76-6-104, 76-6-109(2)d). The open space commission shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources (76-6-102). The open space commission works for the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest. The commission will also provide for the preservation of open-space land and encourage private participation in such programs (76-6-103).

### **Membership**

The state, a city, town, or other municipality, or a county may exercise its powers under this chapter through a board or commission or through the office or officers that its governing body by resolution determines (76-6-109(2)d). Within the resolution creating the board or commission, the governing body will determine the size and membership.

### **Authority**

The open space commission may acquire or designate any real property, including land and water, that will provide a means for the preservation or provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest (76-6-106).

## **Funding**

The open space commission has the power to borrow funds, advance or accept advances of public funds, use grants and other federal assistance to preserve open space concurrent with the purposes of this chapter (76-6-103).

## **Conservation District**

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The complete conservation districts statutes are available in Montana Code Annotated 76-15-101.

### **Creation and Purpose**

It is hereby declared to be the policy of the legislature to provide for the conservation of soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state (76-15-102).

Within 30 days after a petition has been filed with the department of natural resources and conservation (as provided for in 2-15-33) it shall cause due notice to be given of a proposed hearing before the department upon the question of the desirability and necessity in the interest of the public health, safety, and welfare of the creation of the district; upon the question of the appropriate boundaries to be assigned to the district; upon the propriety of the petition and other proceedings taken under this chapter; and upon all questions relevant to those inquiries (76-15-202).

### **Membership**

The conservation district is authorized to divide the unincorporated area of the district into no more than five supervisor area, which each must be represented by one supervisor. If less than five supervisor areas are established, sufficient supervisors must be elected at large to complete the governing body of the district as provided in 76-15-311(1). In a district containing no incorporated municipalities, the department may reorganize the district into seven supervisor areas (76-15-301).

Two supervisors shall be elected at the second general election following the organization or reorganization of the district and shall replace the two supervisors appointed by the department. Thereafter, a district shall alternately elect three and two supervisors at succeeding general elections (76-15-304).

### **Authority**

A conservation district and the supervisors thereof shall have the power to conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damages, and water quality as it pertains to saline seep and to the conservation, development, utilization, and disposal of water and the preventive and control measures and works of improvement needed. The district shall also have the power to publish the results of such surveys, investigations, or research and disseminate information concerning such preventive and control measures and works of improvement (76-15-401).

## **Funding**

A conservation district and the supervisors of the conservation district may borrow money and incur indebtedness and issue bonds or other evidence of indebtedness; refund or retire an indebtedness or lien against the district or property of the district; establish and collect rates, fees, tolls, rents, or other charges for the use of facilities or for services or materials provided. Revenue from these sources may be expended in carrying out the purposes and provisions of this chapter. The district may also, subject to 15-10-420, levy taxes as provided in this part to pay any obligation of the district and to accomplish the purposes of this chapter as provided in this chapter; apply for and receive federal revenue sharing funds in order to carry out the purposes and provisions of this chapter; establish a conservation practice loan program as provided in this part; or apply for, accept, administer, and expend funds, grants, and loans from the state or federal government or any other source (76-15-501).

Unless otherwise provided by law, all money which may from time to time be appropriated out of the state treasury to pay the administrative and other expenses of conservation districts shall be allocated by the department among the districts already organized or to be organized during the ensuing biennial fiscal period (76-15-502).

# Library

## Library Board

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The complete library board statutes are available in Montana Code Annotated 22-1-308.

### **Creation and Purpose**

Upon the establishment of a public library under the provisions of this part, the mayor, with the advice and consent of the city council or city commissioners, shall appoint a board of trustees for the city library and the presiding officer of the board of county commissioners, with the advice and consent of the board, shall appoint a board of trustees for the county library (22-1-308). Library trustees have exclusive control of the operation and care of the library, of the spending of public library funds, and of the construction or lease of library buildings. The board is responsible for employing and compensating all library staff. Trustees hire a chief librarian, who serves at the pleasure of the board (22-1-309).

### **Membership**

Five appointed trustees serve five year terms on the library board. Trustees may only serve two consecutive terms. Only one member of the governing body may be on the board. The presiding officer of the governing authority appoints new trustees to fill vacancies. These appointed trustees serve out the remaining term of the trustee they replaced (22-1-308). Following the appointments, in July of each year, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for 1-year terms. Vacancies in the board of trustees must be filled for the unexpired term in the same manner as original appointments.

### **Authority**

Trustees of every public library shall adopt bylaws and rules, establish and locate a central public library, have the power to acquire real and personal property, and to exercise such other powers, not inconsistent with law, necessary for the effective use and management of the library (22-1-309).

### **Funding**

The governing body that has established the public library may levy a tax to maintain public library services. Tax proceeds will be called the library fund. Under certain circumstances, the governing body may issue bonds (22-1-304). The governing body may also establish a library depreciation reserve fund. The fund replaces and acquires property, capital improvements, and equipment necessary for maintaining library services. Library depreciation reserve funds are moneys allocated to the library and not used by the year's end (22-1-305, 306).

## Public Library District

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The complete public library districts statutes are available in Montana Code Annotated 22-1-701.

### **Creation and Purpose**

Proceedings for the creation or enlargement of a public library district or the conversion of a public library to a public library district may be initiated by a petition signed by not less than 15% of the qualified electors who reside within the proposed district or the area to be added to an existing district; or a resolution of intent adopted by the county governing body, calling for the creation of a district. When the territory to be included in the proposed public library district lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies (22-1-702). The purpose of this part is to provide a method for: establishing, equipping, administering, and funding public libraries; and contracting for library services from existing public libraries (22-1-701).

### **Membership**

Within 30 days after the certification of the formation of the public library district, the governing body of each county with territory included in the district shall jointly appoint the initial members of the district's board of trustees. The members shall serve until their successors are elected and qualified (22-1-704). After appointment of the initial members of the board of trustees, all members must be elected by the electors of the public library district (22-1-706).

**Authority**

The board has all powers necessary for the betterment, operation, and maintenance of library property within the territory of the public library district, including establishing library locations (22-1-707).

**Funding**

Subject to 15-10-420, the county governing body shall, annually at the time of levying county taxes, fix and levy a tax on all taxable property within the public library district sufficient to raise the amount certified by the board of trustees and approved by the electors. The tax levied may not in any year exceed the maximum amount approved by the electorate in 22-1-703 or 22-1-709 (22-1-708). The board may accept donations and devises of money or personal property; establish a library depreciation reserve fund as authorized and described in 22-1-716 (22-1-707). Members of the board of trustees serve without compensation (22-1-706).

**Livestock and other Animals****Rodent Control District**

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The complete rodent control district statutes available in Montana Code Annotated 7-22-2201 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

**Mosquito Control Board**

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The mosquito control board statutes in Montana Code Annotated 7-22-2401 have been repealed. See 7-11-1001 Special Districts — Creation and Governance, for more information.

**Grazing District**

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The complete grazing district statues are available in Montana Code Annotated 76-16-101.

**Creation and Purpose**

If three or more persons who own or control commensurate property and are livestock operators within the area proposed to be created into a state district decide to incorporate a state district, they shall submit a statement in writing to the grass conservation commission together with a plat showing the proposed boundaries of the area (76-16-201). If the creation of the state district appears feasible, beneficial, and desirable to those who own or control more than 50% of the lands to be included in the state district, the commission may issue a certificate of approval (76-16-203). The purpose of the grazing district is to provide for the conservation, protection, restoration, and proper utilization of grass, forage, and range resources of the state of Montana; to permit the setting up of a form of grazing administration which will aid in the unification or control of all grazing lands within the state where the ownership is diverse and the lands intermingled; and to provide for the stabilization of the livestock industry and the protection of dependent commensurate properties (76-16-102).

**Membership**

Membership in a state district is limited to persons engaged in the livestock business who own or lease forage-producing lands within or near the state district, except that the agent of a person entitled to membership in the state district may become a member in place of the agent's principal (76-16-302).

**Authority**

A state district may acquire livestock and livestock products, forage producing lands, and facilities for the care of livestock (76-16-305). The district will manage and control the use of its range and agricultural lands acquired under 76-16-305; undertake reseeding and other approved conservation and improvement practices of depleted range areas or abandoned farm lands and enter into cooperative agreements with the federal government or any other person for the reseeding or conservation and improvement practices; and employ and discharge employees, riders, and other persons necessary to properly manage the state district (76-16-306). The district may also regulate stock grazing in accordance with 76-16-308, control trespassing livestock (76-16-311), and distribute grazing preferences (76-16-401).

## **Funding**

The commission may impose fees against the state districts in an amount not in excess of 10 cents per animal unit month of grazing preference to defray expenses incurred by the commission in carrying out its powers and duties under this chapter (76-16-106). A state district may fix and determine the amount of grazing fees to be imposed on members or nonmembers for the purpose of paying leases and operating expenses and fix and determine the amount of assessments to be made on members on a grazing preference basis for the purpose of acquiring lands by purchase or for the purpose of constructing improvements in the state district. The district may also borrow money and if necessary mortgage the physical assets of a state district to provide for operation and development, provided that at least 80% of the permittee members of the state district consent in writing to the borrowing and the borrowing has been approved by the commission (76-16-323).

## **Livestock Protective Committee**

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The complete livestock protective committee statutes are available in Montana Code Annotated (81-6-101).

### **Creation and Purpose**

A majority of cattle owners petition the governing authority to form a cattle protective committee. Upon receipt of the petition authorities establish the committee (81-6-101). Members serve to advise, assist, and cooperate with other public officials who have duties pertaining to the cattle industry. These duties may include but are not limited to brand inspection, prevention of livestock rustling, enforcement of laws governing movement and sale of livestock, and treatment and prevention of livestock diseases (81-6-103).

### **Membership**

Governing authorities appoint three members to serve on the committee. Members must be residents of the county engaged in the business of raising cattle. They serve two year terms on the committee (81-6-101).

### **Authority**

The livestock protective committee serves to advise governing authorities (81-6-101). Committee members may recommend to governing authorities the appointment of a special livestock deputy to assist the Montana Department of Livestock and the sheriff in their livestock-related duties (81-6-105).

### **Funding**

Committee members may recommend to the governing authorities that a fee be imposed upon all cattle nine months or older in the county. The collected money will be deposited and known as the livestock special deputy fund (81-6-104).

## **Cattle Protective District**

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The complete cattle protective committee statutes are available in Montana Code Annotated 81-6-201.

### **Creation and Purpose**

A majority of cattle owners within the proposed district area must petition governing authorities for the establishment of a cattle protective district. Upon receipt of the petition, governing authorities may authorize the creation of the district (81-6-206). Members serve to advise, assist and cooperate with other public officials who have duties pertaining to the cattle industry. These duties may include but are not limited to brand inspection, prevention of livestock rustling, enforcement of laws governing movement and sale of livestock, and treatment and prevention of livestock diseases (81-6-103, and 81-6-208).

### **Membership**

Governing authorities appoint three members to serve on the committee. Members must be residents of the county engaged in the business of raising cattle. They serve two-year terms on the committee (81-6-101, and 81-6-207).

### **Authority**

The livestock protective committee serves to advise governing authorities (81-6-103, and 81-6-208). Committee members may recommend to governing authorities the appointment of a special livestock deputy to assist the Montana Department of Livestock and the sheriff in their livestock-related duties (81-6-105).

## **Funding**

Committee members may recommend to the governing authorities that a fee be imposed upon all cattle nine months or older in the county. The collected money will be deposited and known as the livestock special deputy fund (81-6-209).

## **Schools**

### **Elementary School Districts**

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The complete elementary school districts statutes are available in Montana Code Annotated 20-6-201.

#### **Creation and Purpose**

An elementary district is a district organized for the purpose of providing public education for all grades up to and including grade 8 and for preschool programs and kindergartens. An elementary district may be inactive if the district attaches to a high school district under the provisions of 20-6-701 to form a K-12 school district (20-6-101).

#### **Membership**

The board of trustees are elected the first Tuesday after the first Monday in May each year. Whenever the county superintendent changes an elementary district's classification with the result that a larger number of trustees is required on the elementary board of trustees, the increased number of trustee positions must be filled in the manner provided for in 20-3-302 (20-6-201). The number of trustees on the board depends on the size of the school district. Typically, small school districts have three trustees; large school districts have seven trustees. Each trustee is elected for a three-year term. See 20-3-341 and 20-3-351 for specific information.

#### **Authority**

The trustees of any district other than a high school district operating a county high school shall have the power and the responsibility to hold in trust all real and personal property of the district for the benefit of the schools and children of the district (20-6-602).

#### **Funding**

The trustees make policy, adopt and administer the annual budget, approve expenditures, make required reports to various agencies, establish elections, and enforce the requirements for government of the school district according to state law. A detailed list of these duties is found in 20-3-324.

### **High School Districts**

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The complete high school districts statutes are available in Montana Code Annotated 20-6-301.

#### **Creation and Purpose**

A high school district is a district organized for the purpose of providing those public educational services authorized by this title for all grades beyond grade 8, including postsecondary programs, except those programs administered by community college districts or the Montana university system. A high school district with an attached elementary district may provide the educational services for an elementary district through the procedures established in 20-6-701 through 20-6-703 (20-6-101).

#### **Membership**

Board of trustees are elected the first Tuesday after the first Monday in May each year. Whenever the classification of such elementary district is changed, the classification of a high school district must be changed accordingly and the county superintendent shall adjust the number of additional high school district trustee positions in accordance with the method prescribed in 20-3-354 for the determination of the number of additional trustee positions required for a high school district. The number of trustees on the board depends on the size of the school district. Typically, small school districts have three trustees; large school districts have seven trustees. Each trustee is elected for a three-year term. See 20-3-341 and 20-3-351 for specific information.

**Authority**

In the name of the county, the trustees of a high school district operating a county high school, as defined by 20-6-101, shall have the power and the responsibility to hold in trust all real and personal property of the district for the benefit of the schools and children of the district (20-6-602).

**Funding**

The trustees make policy, adopt and administer the annual budget, approve expenditures, make required reports to various agencies, establish elections, and enforce the requirements for government of the school district according to state law. A detailed list of these duties is found in 20-3-324.

**K-12 School Districts**

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The complete K-12 school districts statutes are available in Montana Code Annotated 20-6-701.

**Creation and Purpose**

Each elementary district with the same district boundaries as a high school district shall attach to the high school district for the purpose of establishing a K-12 school district. The trustees of each district shall pass a resolution requesting the county superintendent to order an attachment involving their districts (20-6-701).

**Membership**

The number of elected trustees of the K-12 school district must be based on the classification of the attached elementary district under the provisions of 20-3-341 and 20-3-351 (20-6-702). The number of trustees on the board depends on the size of the school district. Typically, small school districts have three trustees; large school districts have seven trustees. Each trustee is elected for a three-year term. See 20-3-341 and 20-3-351 for specific information.

**Authority**

A high school district with an attached elementary district may provide the educational services for an elementary district through the procedures established in 20-6-701 through 20-6-703 (20-6-101).

**Funding**

The trustees make policy, adopt and administer the annual budget, approve expenditures, make required reports to various agencies, establish elections, and enforce the requirements for government of the school district according to state law. A detailed list of these duties is found in 20-3-324.

**Taxation****Resort Area District**

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The complete resort area district statutes are available in Montana Code Annotated 7-6-1501.

**Creation and Purpose**

Governing authorities establish resort area districts following the area's designation as a resort area by the Montana Department of Commerce, a petition from landowners signed by at least 10% of the registered voters within the resort area., a public hearing, and a referendum (7-6-1501, 1504, 1508, 1532, 1533, 1534, 1536, 1539).

**Membership**

Five members are elected to the resort area district board of directors by voters within the resort area district. Directors serve four year terms. Remaining directors appoint new members to fill vacant terms (7-6-1543, 1546).

**Authority**

The board shall exercise the powers of governing the resort area and carrying out the responsibilities of imposing a resort tax (7-6-1508). The resort district board may sue and be sued, acquire real and personal property, make contracts, and employ labor. The resort district area board of directors can appropriate and expend revenue from the resort tax for any activities, undertakings or administrative needs authorized by the resolution creating the resort area or adopting the resort tax (7-6-1542).

## **Funding**

A resort tax may be imposed with the resort area following a petition from landowners to governing authorities, public hearing, and referendum. A resort tax may be imposed even if the resort area is not a resort area district. If imposed in a resort area, governing authorities allocate the uses of the tax revenue. However, if imposed in a resort area district, the board governing the district allocates the uses of tax revenue (7-6-1504, 1509). The rate of the resort tax must be established by the election petition or resolution provided for in 7-6-1504, but the rate may not exceed 3% (7-6-1503).

## **County Land Advisory Board**

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The complete county land advisory board statutes are available in Montana Code Annotated 7-8-2701.

### **Creation and Purpose**

Each county must have a county land advisory board (7-8-2703). The board serves to advise, upon request, the boards of county commissioners about the direction, control, care, management, appraisal, lease, sale, exchange, and disposition of land. The board may cooperate with governing authorities in establishing grazing districts. Members advise upon grazing district and agricultural lease fees, terms, and conditions (7-8-2708, 2709).

### **Membership**

Five members are appointed by the district court judged to serve on the land board. Each member will serve six year terms (7-8-2704, 2705).

### **Authority**

This board serves to advise, upon request, governing authorities about the direction, control, care, management, appraisal, lease, sale, exchange, and disposition of land (7-8-2708, 2709).

### **Funding**

The board may act in an advisory capacity in fixing the fees, terms, and conditions of grazing and agricultural leases (7-8-2709). The members shall serve without pay (7-8-2706).

## **Transportation**

### **Urban Transportation District**

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The complete urban transportation district statutes are available in Montana Code Annotated 7-14-201.

### **Creation and Purpose**

The urban transportation district process begins with 20% of electors (living within the proposed district) petitioning governing authorities to create the district. Upon receiving the petition, a public hearing is held; followed by an election. If a majority of the votes cast during the election are in favor of district creation, the authorities shall issue a resolution creating the district (7-14-203, 207, 210, 212). The board shall establish, operate, improve, maintain, and administer the transportation district to supply transportation services and facilities to district residents and other persons (7-14-219).

### **Membership**

The urban transportation district is governed by a transportation board. The governing authorities and the governing body of the town or city included within the district will determine by resolution whether the board is elected or appointed, the number of board members, the term of office, and the procedure for filling vacancies (7-14-212).

### **Authority**

The transportation board will have all powers to establish, operate, improve, maintain, and administer the urban transportation district. The board will hire an administrative officer for the district (7-14-219, 220).

### **Funding**

Annually, the board will submit a budget to governing authorities with the amount of money needed for the year. Governing authorities will levy a tax in mills upon property within the district to fund the district's operation (7-14-231, 7-14-232). The board may borrow money by issuing general obligation or revenue bonds (7-14-235).

## **Transportation Improvement Authority**

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The complete transportation improvement authority statutes are available in Montana Code Annotated 7-14-1001.

### **Creation and Purpose**

A county and a municipality within a county may, by joint resolution, create a transportation improvement authority authorized to exercise its functions upon the appointment and qualification of the first commissioners (7-14-1002). The purpose of a transportation improvement authority is to blend the interests of local, state, and federal governments with the interests of the general public and the business community to build, modify, or improve transportation facilities and systems within its jurisdiction (7-14-1001).

### **Membership**

The resolution creating the transportation improvement authority must create a board of nine commissioners appointed as follows: two county officials appointed by the county commissioners; two public members appointed by the county commissioners; two municipal officials appointed by the governing body of the municipality; two public members appointed by the governing body of the municipality; and one member appointed by the governor (7-14-1002). Each commissioner shall hold office until a successor is appointed and has qualified. The certificate of the appointment or reappointment of a commissioner must be filed with the authority (7-14-1003).

### **Authority**

A transportation improvement authority may be increased to serve one or more additional counties or municipalities if each additional county or municipality, each county and municipality included in the authority, and the commissioners of the authority adopt a joint resolution consenting to the increase. The number of additional commissioners to be appointed must be provided for in the joint resolution (7-14-1002).

### **Funding**

A county and a municipality for which a transportation improvement authority has been created may lend or donate money to the authority and provide that all or a portion of the taxes or funds available or required by law to be used by the county or municipality for transportation purposes be transferred to the authority as the funds become available (7-14-1004).

The transportation improvement authority has the power to receive and disburse federal, state, and other public or private funds made available by grant, loan, contribution, or other source to accomplish the purposes of this part. Federal money must be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this section must be accepted and spent by the authority upon terms and conditions prescribed by the state (7-14-1005)

## **Railway Authority**

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The complete railway authority statutes are available in Montana Code Annotated 7-14-1601.

### **Creation and Purpose**

A railway authority may be established by the governing authorities following a resolution of intent, a public hearing, and a resolution of creation (7-14-1611, 1612, 1613). Railway authorities preserve and improve abandoned rail service for agriculture, industry, or passenger traffic, or preserve abandon railroad rights-of-way for future transportation uses (7-14-1602).

### **Membership**

A board of directors governs the railway authority. Five directors are appointed by the governing authorities. Directors serve two year terms and must live within the boundaries of the authority (7-14-1613).

### **Authority**

Railway authorities may establish, operate, maintain, regulate, and protect railroads and railroad facilities. The authority may provide railroad services or contract for railroad operation, may grant the privilege of supplying goods along the railway and make services available (7-14-1602, 1625, 1635).

## **Funding**

Railway authorities are funded through a mill levy (levied by governing authorities upon voter approval), bonds, fees charged for services provided, and grants (7-14-1632, 1635, 1636).

## **Parking Commission**

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The complete parking commission statutes are available in Montana Code Annotated 7-14-4601.

### **Creation and Purpose**

It is hereby determined and declared that excessive curb parking of motor vehicles in urban and metropolitan areas and the lack of adequate offstreet parking facilities in some cities is against the public interest; therefore, the purpose of this part is to provide means whereby cities in which additional offstreet parking facilities are considered necessary may obtain and provide same and whereby such cities may regulate onstreet and offstreet parking in a coordinated manner (7-14-4601). The determination as to whether there is need for a commission to function may be made by the legislative body on its own motion or upon the filing of a petition signed by 100 residents of the city asserting that there is need for a commission to function in such city and requesting that the legislative body so declare (7-14-4605).

### **Membership**

The mayor, with the approval of the legislative body, shall appoint not less than five or more than seven electors of the city as members of the commission (7-14-4609). Three of the members who are first appointed must be designated to serve for terms of 1, 2, and 3 years, respectively, from the date of their appointments, and two must be designated to serve for terms of 4 years from the date of their appointment. For a seven-member commission, there must be two additional appointments of 2 years and 3 years, respectively (7-14-4610).

### **Authority**

For the purpose of offstreet parking, each parking commission, subject to the limitations imposed by this part, may lay out, open, extend, widen, straighten, establish, or change the grade, in whole or in part, of public parking facilities and public rights-of-way necessary or convenient for offstreet parking; insure or provide for the insurance of any real or personal property or operation of the parking commission against risks or hazards; acquire, construct, rent, lease, maintain, and repair real and personal property used for parking services, either on behalf of the parking commission or as an agent of the city, including the leasing of the operation of the offstreet parking; and regulate onstreet parking when it remains in use, in coordination with offstreet parking, subject to traffic regulations imposed by the state (7-14-4622).

## **Funding**

When any city or the commission created for it becomes authorized to transact business and exercise the powers of a parking commission, the legislative body of the city, subject to its fiscal law, may, at that time and from time to time thereafter, make an estimate of the amount of money required for administrative purposes of the commission and may appropriate such amounts to the commission as it deems necessary, subject to such conditions as the legislative body may prescribe (7-14-4613).

## **Aerospace Transportation and Technology District**

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The complete aerospace transportation and technology district statutes available in Montana Code Annotated 7-15-4296 have been repealed. See 7-15-4279 Targeted economic development districts.

## **County Transportation Committee**

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The complete county transportation committee statutes are available in Montana Code Annotated 20-10-101.

### **Creation and Purpose**

Each county shall establish a county transportation committee (20-10-131). The county transportation committee will establish the transportation service areas within the county for each district that operates a school bus transportation program. The committee will disregard district boundaries when creating the program. The committee will also approve, disapprove, or adjust applications for increased reimbursements for individual

transportation because of isolated conditions and requests for new or adjusted school bus routes submitted by trustees (20-10-132).

### **Membership**

The county transportation committee must have at least five members. The membership of the committee consists of: The county superintendent; Presiding officer of the board of county commissioners (or a member designated by the presiding officer); Except in K-12 school districts, one trustee from each high school district in the county (or a district employee designated by the trustees); One representative from each high school district of the county who is a trustee of an elementary district encompassed within the high school district and who has been selected at a meeting of the trustees of the elementary districts; Two representatives of each K-12 school district of the county, each of whom is either a trustee or a district employee designated by the trustees; and a representative of a district of another county when the transportation services of the district are affected by the actions of the county transportation committee, but the representative has a voice only in matters affecting transportation within the district or by the district. The county superintendent is the presiding officer (20-10-131).

### **Authority**

The county transportation committee may conduct hearings to establish facts of transportation controversies, review requests for changes in bus routes, and determine if geographic locations make it impractical for a child to attend school in their county of residence (20-10-132).

### **Funding**

The trustees of a district furnishing transportation to pupils who are residents of the district shall provide a transportation fund budget that is adequate to finance the district's transportation contractual obligations and any other transportation expenditures necessary for the conduct of its transportation program (20-10-143). The trustees shall report the transportation fund budget on the regular budget form prescribed by the superintendent of public instruction in accordance with 20-9-103, and the adoption of the transportation fund budget must be completed in accordance with the school budgeting laws.

## **Water**

### **Regional Resource Authority**

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The complete regional resource authority statutes are available in Montana Code Annotated 7-10-101.

### **Creation and Purpose**

A petition requesting the establishment or expansion of a regional resource authority must be signed by at least 10% of the registered electors within the boundaries of the territory proposed to be organized into the authority or expansion and must be presented to the board of governing authorities of the county in which the proposed authority or expansion is located (7-10-102). Electors residing within the boundaries of a proposed regional resource authority may create or expand an authority by proceeding under the provisions of this chapter. Regional resource authorities may be created to provide for collaboration and coordination in the conservation of water resources or in the management of water resources for agricultural and recreational uses (7-10-101).

### **Membership**

The initial members of the local governing body must be appointed by the county commissioners in the county where the election is administered pursuant to 7-10-104(4), based on the recommendations of the petitioners. The commissioners shall appoint members of the governing body to staggered 2-year and 4-year terms. The appointments under subsection (1) must be made within 30 days after the adoption of the resolution for creation provided for in 7-10-105. Prior to the expiration of the initial appointments, the governing body shall divide itself into districts from which members are elected to succeeding terms (7-10-110).

### **Authority**

A regional resource authority has power to purchase and hold lands within its limits; make contracts and purchase and hold personal property that may be necessary to the exercise of its powers; make orders for the disposition or use of its property that the interests of its inhabitants require; and acquire by eminent domain,

as provided in 70-30-101, any interest in property for a public use authorized by law. All other powers and limitations are outlined in 7-10-115.

### **Funding**

A regional resource authority has the power, subject to 15-10-420, to levy and collect taxes for public or governmental purposes, as described in 7-6-2527, under its exclusive jurisdiction unless prohibited by law and impose fees or assessments for services provided (7-10-115).

## **Metropolitan Sanitary and/or Storm Sewer Districts**

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The complete metropolitan sanitary and/or storm sewer district statutes are available in Montana Code Annotated 7-13-101.

### **Creation and Purpose**

Whenever the public convenience and necessity may require, in order to construct sanitary and/or storm sewer systems within any county, which sanitary and/or storm sewer systems would serve the inhabitants of any county as well as the inhabitants of any city or town within said county, the board of county commissioners, with the approval of the city or town council, may create metropolitan sanitary and/or storm sewer districts (7-13-101).

### **Membership**

The board of county commissioners shall be ex officio commissioners of the metropolitan sanitary and/or storm sewer district formed under the provisions of this part and shall have sole and complete jurisdiction over all drainage structures and sewage treating plants which are now or may be hereafter built and situated within said district (7-13-112).

### **Authority**

Before ordering any of the proposed improvements, the board of county commissioners shall pass a resolution creating the metropolitan sanitary and/or storm sewer district in accordance with the resolution of intention theretofore introduced and passed by the board. The board shall be deemed to have acquired jurisdiction to order improvements immediately upon the occurrence of one of the following: (a) when no protests have been delivered to the county clerk within 30 days after the date of the first publication of the notice of the passing of the resolution of intention; (b) when a protest shall have been found by said board to be insufficient; (c) when a protest shall have been overruled (7-13-111).

### **Funding**

The governing body may levy a tax against all property within the district. Government-owned land is exempt from such taxes or other assessments and all costs assessed against it will be paid out of the county's general fund. Governing authorities may also establish rates for services and benefits provided by the district to pay for operation and maintenance fees (the money raised by these rates is called the operating and maintenance fund). Governing authorities may also apply for federal grants and may borrow from the federal government (7-13-121, 122, 124, 141, 142).

Governing authorities may issue metropolitan sanitary and/or sewer district bonds to finance major improvements within the district. To ensure prompt payment of the bonds, a reserve fund is established. Governing authorities may transfer money from the operating and maintenance fund to the reserve fund (7-13-151, 152).

## **County Water and/or Sewer Districts**

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The county water and/or sewer district statutes are available in Montana Code Annotated 7-13-2201 and 7-13-2301.

### **Creation and Purpose**

A county water and/or sewer district may be organized and incorporated and managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied. The people of any county or counties or portion of a city or a county or city and county or any combination of these political divisions, whether such portion includes unincorporated territory or not, in the state of Montana, may organize a county water and/or

sewer district under the provisions of this part and part 23 by proceeding as therein provided (7-13-2203).

The purpose of the district board is to acquire (construct, purchase, or lease), operate, and maintain water rights, waterworks, sanitary sewerworks, storm sewerworks, canals, conduits, reservoirs, lands, and rights useful or necessary to store, conserve, supply, produce, convey, or drain water or sewage for purposes beneficial to the district. Beneficial purposes include flood prevention and control, irrigation, drainage, municipal, industrial, and domestic water supplies, pollution abatement, recreation and wildlife and livestock water supply (7-13-2218).

### **Membership**

In all cases where the boundaries of such district include any municipality or municipalities, said board, in addition to said five or three directors to be elected as aforesaid, shall consist of one additional director for each of said municipalities within such district, each such additional director to be appointed by the mayor of the municipality for which said additional director is allowed, and, if there be any unincorporated territory within said district, one additional director to be appointed by the board of county commissioners of each county containing such territory (7-13-2232). If there are no municipalities within the boundaries of said district, the board of directors shall consist of five members or three members if there are 10 or less qualified electors in the district (7-13-2232).

### **Authority**

The water and sewer district may sue and be sued, adopt a seal, make contracts, employ labor and take by grant, purchase, gift, devise, or lease and to hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers (7-13-2217). These boards may issue bonds to finance indebtedness and levy taxes. Special levy assessments are also authorized for payment of bonds (7-13-2221).

### **Funding**

Districts can accept funds and assistance from federal, state, and public or private sources and may issue bonds to finance indebtedness and levy taxes (7-13-2221).

## **Local Water Quality District**

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The complete local water quality district statutes are available in Montana Code Annotated 7-13-4501.

### **Creation and Purpose**

The creation a local water quality district begins when the governing authorities hold a public meeting concerning the creation of the district. Next, authorities pass a resolution of intention. The resolution is passed to any city or town's government located within the district, followed by a public hearing. Governing authorities may create the district by resolution if insufficient protest is made or, the board may cause a referendum to be submitted to the voters. If voters approve the referendum, governing authorities may pass a resolution creating a local water quality district (7-13-4504, 4506, 4510, 4512, 4513). The board of directors develop and implement a local water quality program (approved by the county commissioners) to protect, preserve, and improve the quality of surface and ground water within the district. The program is submitted to the board of environmental review. Directors also employ personnel, administer the budget and any ordinances passed by commissioners or cities and towns pertaining surface and ground water, and to and purchase, rent, or lease equipment necessary to implement the program (7-13-4517).

### **Membership**

The district is governed by a board of directors of at least five members; each serving three year terms. Governing authorities appoint: One member of the governing body of a city-county consolidated government; one member from the governing body of each incorporated city or town that is included in the district; one member of the county or city-county board of health; and one conservation district supervisor. Remaining board members are persons whose residences or businesses are distributed equally throughout the district if a county is the only unit of local government participating in the district (by mutual agreement if more than one unit of local government is located within the district) (7-13-4516).

### **Authority**

The local water quality district may implement a local water quality program, administer the budget of the local water quality district, employ personnel, administer local ordinances that are adopted by the governing bodies, apply for and receive monies from the federal or state government (7-13-4517).

### **Funding**

Governing authorities will determine fee rates according to a classification system. The classification system is based upon the volume and type of waste produced and the volume of water withdrawn at each fee-assessed unit. Water used for irrigation and livestock use and related discharge cannot be assessed fees (7-13-4523).

## **Regional Water and Wastewater Authorities**

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The complete weed district statutes are available in Montana Code Annotated 75-6-301.

### **Creation and Purpose**

It is the purpose of this part to permit certain public agencies to make the most efficient use of their powers relating to public water supplies and the transportation and treatment of wastewater by enabling them to cooperate with other public agencies on a basis of mutual advantage and to provide services and facilities to participating public agencies. It is also the purpose of this part to provide for the establishment of a public body, corporate and politic, that is known as a regional water authority or, when appropriate, a regional wastewater authority or regional water and wastewater authority. The function of the regional water authority is to secure a source of water on a scale larger than is feasible for individual public agencies acting alone and to sell the water to public service districts, municipalities, publicly and privately owned water utilities, and others. The function of the regional wastewater authority is to enable public agencies to join together to provide the most economical method of transportation and treatment of wastewater and to provide the transportation and treatment services to public service districts, municipalities, publicly and privately owned wastewater utilities, and others. The function of the regional water and wastewater authority is to enable public agencies to join together to carry out the joint functions of both a regional water authority and a regional wastewater authority (75-6-302).

### **Membership**

The governing body of the authority shall consist of not less than three persons selected by the participating public agencies. Each participating public agency shall appoint at least one member. Each member's full term may not be less than 1 year or more than 4 years, and initial terms must be staggered in accordance with procedures set forth in the agreement provided for in 75-6-305 and amendments to the agreement. In the case of an authority that is made up by the agreement of two public agencies, each public agency shall appoint two representatives to the governing body (75-6-311).

### **Authority**

The governing body has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this section (75-6-313). Specific powers may not be considered as a limitation upon any power necessary or appropriate to carry out the purposes of this part.

### **Funding**

A public agency entering into an agreement pursuant to this part may appropriate funds and may sell, lease, give, or otherwise supply to the authority personnel or services for the operation of the authority as may be within its legal power to furnish (75-6-306).

## **Irrigation District**

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The complete irrigation district statutes are available in Montana Code Annotated 85-7-101.

### **Creation and Purpose**

Irrigation districts may be formed when it is proposed by 60% of the holders of title or evidence of title to lands sought to be included in an irrigation district. The district shall be formed in compliance with federal reclamation laws, which permit the construction of irrigation works, including drainage works, or for purchase, extension, operation, or maintenance of constructed works (85-7-101). Before the district

is established, there shall be a written report or opinion from the department of natural resources and conservation on the engineering features involved and the possibilities of water supplies, accompanied by a copy of the decree of the district court showing the adjudicated water rights in said streams from which said waters are to be diverted (85-7-103).

### **Membership**

Commissioners for the irrigation district must own irrigable land within the division of the district that the individual would represent. They must also be a resident of the county, or an adjoining county, in which some portion of the division of the district that the individual would represent is located (85-7-1501). The commissioners appointed shall hold their respective offices until their respective successors are elected and qualified. Each of the commissioners shall qualify in the same manner as justices of the peace. The bond for a commissioner must be approved by the district court or judge of the district court and filed in the office of the clerk of the court located (85-7-1501). The regular election for commissioners in each district must be held annually in accordance with 13-1-104 and 13-1-305. Commissioners are elected by the electors of the entire district (85-7-1702).

### **Authority**

The board shall have the power to adopt a corporate seal therefor; make and execute all necessary contracts; and employ and appoint such agents, officers, and employees as may be required and prescribe their duties. It shall be the duty of said board to pass or adopt bylaws and rules for the apportionment and distribution of water to the lands of the district and for the protection and preservation of the works and other property of the district, and the board may therein require the prompt payment of all current and delinquent taxes and assessments and other financial obligations owing the district as a prerequisite to water service (85-7-1902). The board and its agents have the right to enter upon any land to make surveys (85-7-1903); acquire water and water rights (85-7-1904); construct irrigation works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume (85-7-1909); regulate, supervise, apportion, and control the furnishing and delivery of water through the distribution system of the district (85-7-1922); and acquire, construct, maintain, and lease various undertakings as defined in 85-7-1402 (85-7-1411). The irrigation district may not impede navigation of a navigable channel (85-7-1932).

### **Funding**

The board of commissioners of the district shall provide for the annual levy and collection of a special tax or assessment upon all the lands included in the district, or in a sub-district if the bonds are to be issued on behalf of the sub-district, and subject to taxation and assessment (85-7-2101). All irrigable lands in each irrigation district and all lands in each sub-district of the district must pay at the same rate for all purposes for which the lands are charged, except as otherwise provided by law (85-7-2103).

## **Drainage District**

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The complete drainage district statutes are available in Montana Code Annotated 85-8-101.

### **Creation and Purpose**

Drainage districts shall be petitioned whenever a majority of the owners of lands within any district of land who shall represent one-third in area of the land within said district to be reclaimed or benefited or whenever the owners of more than one-half of the lands within such district desire to construct one or more drains, ditches, levees, waste ditches, or other works across the lands of others or to straighten, widen, deepen, or otherwise alter any natural stream or watercourse not navigable, for the promotion of the public health or welfare and the drainage of the lands and removal of surface waters therefrom; or desire to maintain and keep in repair any such drain, ditch, or levee heretofore constructed under any law of this state (85-8-101).

### **Membership**

When a district is created the commissioners appointed by the judge or court shall hold office until the first Tuesday in May following their appointment and until their successors are elected (85-8-301). Commissioners must be an actual landowner in the division in which they were elected, and must be a resident of a county

where a portion of the district lands is situated (85-8-302). The regular election of commissioners must be held annually in accordance with 13-1-104 and 13-1-305.

### **Authority**

The commissioners shall appoint one or more attorneys to assist in the establishment of the district, advise with its officers, agents, and employees, and prepare reports and other necessary documents. They shall appoint a competent civil and drainage engineer, who may be an individual, a partnership, or a corporation, who may employ assistants and make surveys, and who, with the approval of the court, may employ a consulting engineer or secure expert advice. The expense of the engineer, the engineer's assistants, and the consulting engineer must be taxed as expenses under the petition (85-8-321). The district may acquire lands, easements, and rights-of-way sites; carry out necessary measures for the prevention of floodwater and sediment damages; enter into agreements with state agencies and political subdivisions of the state; construct, operate, and maintain such works of improvement; and make assessments and issue bonds for carrying out the purposes of the district (85-8-702).

The commissioners, their agents, servants, and employees shall have the right to go upon all lands along any drain, ditch, levee, or embankment in their district to inspect, deepen, widen, and repair the same (85-8-363). They have the right to lay-out and construct all necessary drains, ditches, and levees across any railway right-of-way in their district (85-8-366).

### **Funding**

The commissioners shall certify to the department of revenue a correct list of all the district lands in each county and the owners of the lands, together with a statement of the amount of the total tax or assessment against the lands for district purposes for that year. The county treasurer of each county in which a drainage district is located, in whole or in part, shall collect and receipt for all taxes and assessments levied by the district (85-8-601). The district may also receive financial assistance from state agencies and political subdivisions of the state, other organizations created under state laws, and the government of the United States and agencies thereof. They may also accept contributions from private landowners for the purposes of the district (85-8-702).

## **Conservancy District**

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The complete water conservancy district statutes are available in Montana Code Annotated 85-9-101.

### **Creation and Purpose**

The water conservancy district will be comprised of an area in one or more counties to prevent and control floods, erosion, sedimentation; provide for regulation of stream flows and lake levels; improve drainage and to reclaim wet or overflowed lands; promote recreation; develop and conserve water resources and related lands, forest, fish, and wildlife resources; further provide for the conservation, development, and utilization of land and water for beneficial uses, including but not limited to domestic water supply, fish, industrial water supply, irrigation, livestock water supply, municipal water supply, recreation, and wildlife (85-9-102). To request a preliminary survey for a proposed conservancy district, the applicants shall present a written petition to the department in accordance with 85-9-201.

### **Membership**

If a district is organized, the court shall establish by court order the number of persons who shall comprise the directors and appoint persons who are electors within the district to membership on the board of directors and fix their compensation. The number may not be less than 3 or more than 11 persons. In fixing the number and making the appointments, the court shall consider the interests and purposes to be served by the district. Upon a verified petition filed by a majority of the directors and for good cause shown, the court may enlarge or reduce the membership of the directors but not to be less than 3 or more than 11. Approximately one-third of the directors first appointed serve for 1 year, approximately one-third serve 2 years, and the remainder serve 3 years. All succeeding terms must be 3 years. Unless excused for good cause, a director who misses three consecutive regular meetings has vacated the position (85-9-401).

### **Authority**

The directors of a conservancy district may sue and be sued, adopt a seal, provide for reimbursing of their members for actual expenses, merge with other special districts as hereinafter provided, and call upon the county attorney or attorney general for such legal services as the district may require or, in the discretion of the directors, employ private legal counsel (85-9-403). On behalf of a district, the director has certain powers over private properties and those acquired or maintained by the district (85-9-405). They may also adopt rules regarding recreational water use (85-9-404), and have certain powers over finances (85-9-406). Limitations of the conservancy district are detailed in 85-9-104.

### **Funding**

To the extent that anticipated revenues from rates, fees, and other charges fixed pursuant to 85-9-407 will not be sufficient to meet the district's anticipated obligations for annual operation, the directors may make an assessment of not more than 2 mills on all taxable real property in the district for the purpose of fully meeting such obligations. In addition, the directors may annually make an assessment of up to 3 mills on the taxable real property in the district to pay interest and principal on bonded indebtedness (85-9-601).

## **Weeds**

### **Weed District**

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The complete weed district statutes are available in Montana Code Annotated 7-22-2101.

### **Creation and Purpose**

Each county will have a weed management district (7-22-2102). The weed district will develop and implement a noxious weed management program in the district (7-22-2109). The city or town council has power to declare and determine what vegetation within the city or town shall be nuisance weeds and provide the manner in which they shall be exterminated (7-22-4101).

### **Membership**

Each weed district will be governed by a district weed board. The membership of the board will be appointed by governing authorities subject to the general board statutes 7-1-201 through 203 (7-22-2103).

### **Authority**

Management criteria for noxious weeds within the district will be developed by the board. The board may employ a coordinator and other employees to carry out the program. Chemicals, materials, and/or equipment may be purchased with money from the noxious weed fund (7-22-2109).

### **Funding**

Governing authorities will create a noxious weed fund. The authorities can appropriate money from any source in an amount of not less than \$100,000 or an amount equivalent to 1.6 mills levied upon the taxable value of all property and subject to 15-10-420 and at any time fixed by law for levy and assessment of taxes, levying a tax of not less than 1.6 mills on the taxable value of all taxable property in the county (7-22-2141, 2142).

## Additional Information

### Organizations / Associations

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#### **Montana State University Extension**

P.O. Box 172240  
Bozeman, MT 59715-2240  
Phone: (406) 994-3620  
<http://www.msuextension.org>

#### **Montana Association of Counties**

2715 Skyway Drive  
Helena, MT 59602-1213  
Phone: (406) 449-4360  
<http://www.mtcounties.org>

#### **Local Government Center**

P.O. Box 172240  
Bozeman, MT 59717-2240  
Phone: (406) 994-6694  
<http://www.msulocalgov.org/>

#### **American Institute of Parliamentarians**

550M Ritchie Highway #271  
Severna Park, MD 21146  
Phone: (888) 664-0428  
<http://www.parliamentaryprocedure.org/>

#### **National Association of Counties**

440 First Street, N.W.  
Washington, DC 20001  
Phone: (202) 393-6226  
<http://www.naco.org>

#### **National Association of Parliamentarians**

213 South Main Street  
Independence, MO 64050-3850  
Phone: (816) 833-3892  
<http://parliamentarians.org/>

### State Agencies

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#### **Department of Natural Resources and Conservation**

1625 Eleventh Ave.  
Helena, MT 59620-0701  
Phone: (406) 444-2074  
<http://www.dnrc.mt.gov>

#### **Department of Commerce**

301 S. Park  
P.O. Box 200501  
Helena, MT 59620-0501  
Phone: (406) 841-2700  
<http://commerce.mt.gov/>

#### **Department of Revenue**

125 N. Roberts, 3rd Floor  
Helena, Montana 59620  
Phone: (406) 444-6900  
<http://revenue.mt.gov/>

#### **Department of Justice**

P.O. Box 201401  
Helena, MT 59620-1401  
Phone: (406) 444-2026  
<http://www.doj.mt.gov/>

#### **Human Rights Bureau**

P.O. Box 1728  
Helena, MT 59624-1728  
Phone: (406) 444-2884  
<http://erd.dli.mt.gov/human-rights>

#### **Department of Livestock**

PO Box 202001  
Helena, MT 59620-2001  
Phone: (406) 444-2043  
<http://liv.mt.gov>



# Appendix 1: NEGOTIATION STYLES

(Designed by Terrill L. Croghan and Nancy Yeend from the TKI).

*Directions: Read each question, and rank the five responses. Begin by placing a 5 next to the response most like you, most of the time and a 1 next to the response that is least like you, most of the time. When you have marked the two extremes, then go back and indicate which responses are 2, 3, and 4.*

**1. When I encounter someone whose goals are different from mine, I attempt to**

- \_\_\_\_\_ a. avoid the situation.
- \_\_\_\_\_ b. acquiesce to the other.
- \_\_\_\_\_ c. find an intermediate solution.
- \_\_\_\_\_ d. pursue my goals.
- \_\_\_\_\_ e. satisfy both of our goals.

**2. When a problem arises between another person and me, I am inclined to**

- \_\_\_\_\_ a. hope the problem resolves itself.
- \_\_\_\_\_ b. let them have their way.
- \_\_\_\_\_ c. look for a solution that falls between our two viewpoints.
- \_\_\_\_\_ d. persuade them of the merit of my position.
- \_\_\_\_\_ e. seek to discover our underlying interests.

**3. When I am confronted with a dispute, I try to**

- \_\_\_\_\_ a. postpone the controversy in hopes that it will go away.
- \_\_\_\_\_ b. soothe the other's feelings to preserve our relationship.
- \_\_\_\_\_ c. find a compromise solution.
- \_\_\_\_\_ d. look for ways to justify and enhance my position.
- \_\_\_\_\_ e. seek the other's help to find a mutually satisfying solution.

**4. When I am in a situation that calls for negotiation, I try to look for ways to**

- \_\_\_\_\_ a. avoid the face-to-face encounter.
- \_\_\_\_\_ b. please the other party.
- \_\_\_\_\_ c. find middle ground upon which we can agree.
- \_\_\_\_\_ d. get the best for myself
- \_\_\_\_\_ e. obtain mutual benefits

**5. When someone asks me to do something that I believe can be done in a different or better way, I usually**

- \_\_\_\_\_ a. could care less how it is done
- \_\_\_\_\_ b. convince myself that doing it their way is best.
- \_\_\_\_\_ c. split the difference between their way and mine.
- \_\_\_\_\_ d. convince them my way it best.
- \_\_\_\_\_ e. seek to find a way to complete the task so that it works for both of us.

***Getting the Totals***

To obtain an approximate indication of your dispute management style, enter the number you wrote next to each response.

Avd Acc Cop Cpt Col

Q.1 a. \_\_\_ b. \_\_\_ c. \_\_\_ d. \_\_\_ e. \_\_\_

Q.2 a. \_\_\_ b. \_\_\_ c. \_\_\_ d. \_\_\_ e. \_\_\_

Q.3 a. \_\_\_ b. \_\_\_ c. \_\_\_ d. \_\_\_ e. \_\_\_

Q.4 a. \_\_\_ b. \_\_\_ c. \_\_\_ d. \_\_\_ e. \_\_\_

Q.5 a. \_\_\_ b. \_\_\_ c. \_\_\_ d. \_\_\_ e. \_\_\_

**Total** \_\_\_\_\_

***Analysis of Answers***

The column that has the largest sum indicates your naturally preferred negotiation style. The column with the smallest total is your least preferred style.

What are your negotiation strengths?

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What are your negotiation weaknesses?

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## Appendix 2: SAMPLE BYLAWS

BYLAWS OF \_\_\_\_\_ BOARD

### ARTICLE I–NAME, PURPOSE

Section 1: The name of the municipal/county board shall be \_\_\_\_\_.

Section 2: The \_\_\_\_\_ is organized for the purpose of [insert language used in enabling resolution], more specifically to \_\_\_\_\_.

### ARTICLE II–MEMBERSHIP

Section 1: Membership shall consist only of the members appointed by the Mayor of \_\_\_\_\_ City/Town or \_\_\_\_\_ County Commissioners.

### ARTICLE III–MEETINGS

Section 1: Meetings. The [monthly/quarterly/etc.] meetings will be held on the second Tuesday, of the second month of each quarter at the \_\_\_\_\_ meeting room starting at 6:00 p.m.

Section 2: Special Meetings. Special meetings may be called by the [Chair/Chair and one Board Member/ Executive Committee/??].

Section 3: Notice. Notice of each meeting will follow the city/county noticing policy

### ARTICLE IV – GOVERNING/ADVISORY BOARD

Section 1: Board Role, Size, Compensation. The Board is responsible for (see enabling resolution). The Board shall have up to \_\_\_\_\_ and not fewer than \_\_\_\_\_ members. The board receives no compensation other than reasonable expenses.

Section 2: Meetings. The [monthly/quarterly/etc.] meetings will be held on \_\_\_\_\_ at the \_\_\_\_\_ meeting room starting at 6:00 p.m.

Section 3: Terms. All Board members shall serve \_\_\_\_\_ year terms and no more than \_\_\_\_\_ consecutive terms. Board members are appointed or reappointment by the Mayor of \_\_\_\_\_ City/Town or the \_\_\_\_\_ County Commissioners.

Section 4: Quorum. A quorum consists of a majority of appointed board members and no official action can be transacted or motions made or passed without a quorum present.

Section 5: Officers and Duties. There shall be \_\_\_\_\_ officers of the Board consisting of a Chair, Vice Chair and Secretary. Their duties are as follows:

1. The Chair shall convene regularly scheduled Board meetings, shall preside or arrange for other members of the executive committee to preside at each meeting in the following order: Vice-Chair and Secretary.
2. The Vice-Chair will chair committees on special subjects as designated by the board.
3. The Secretary shall be responsible for keeping records of Board actions and/or recommendations, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, and distributing copies of minutes and the agenda to each Board member.

Section 6: Vacancies. When a vacancy on the Board exists, the board may compile a list of nominations for the Mayor/County Commissioners to consider

Section 7: Resignation, Termination and Absences. Resignation from the Board must be in writing and received by the Secretary. A recommendation for removal from the board will be given to the governing body when a Board member has three unexcused absences from Board meetings in a year. A Board member may be removed for other reasons by a three-fourths vote of the remaining directors.

Section 8: Special Meetings. Special meetings of the Board shall be called upon the request of the Chair or one-

third of the Board. Notices of special meetings shall follow City/County noticing policy.

Section 9: Voting. The chairperson shall \_\_\_\_\_ . In the event of a tie vote,

\_\_\_\_\_.

ARTICLE V–COMMITTEES

Section 1: The Board may create committees as needed. The Board Chair appoints all committee chairs.

ARTICLE VI–AMENDMENTS

Section 1: These Bylaws may be amended when necessary by a two-thirds majority of the Board or by resolution passed by the governing authority. Proposed amendments must be submitted to the Secretary to be sent out with regular Board announcements.

These Bylaws were approved at a meeting of the \_\_\_\_\_ Board of \_\_\_\_\_ (City/County) on \_\_\_\_\_, 20XX.

**Montana Boards, Districts,  
Commissions and Committees**  
(Alphabetical Listing)

Aerospace Transportation and Technology District ..	80	Irrigation District .....	84
Airport Appeals Board .....	50	Joint Fair and Civic Center Commission .....	56
Airport Board .....	50	Joint or Consolidated Planning Boards .....	68
Board of County Canvassers .....	56	K-12 School Districts .....	77
Business Improvement Districts.....	52	Library Board .....	73
Cattle Protective District .....	75	Livestock Protective Committee .....	75
Cemetery Districts.....	65	Local Improvement Districts .....	55
City Boards of Health.....	60	Local Port Authority .....	54
City-County Boards of Health.....	61	Local Water Quality District.....	83
City-County Planning Boards .....	67	Metropolitan Sanitary and/or Storm Sewer Districts	82
City Planning Boards.....	66	Mosquito Control Board .....	74
Community Councils.....	58	Multi-County Fair Districts.....	56
Conservancy District .....	86	Municipal Airport Authority .....	51
Conservation District .....	72	Municipal Board of Park Commissioners.....	64
County Board of Park Commissioners.....	64	Municipal Housing Authority.....	63
County Boards of Health.....	60	Municipal Zoning Board of Adjustment.....	70
County Building Commission.....	62	Municipal Zoning Commission.....	70
County Compensation Board .....	58	Museum and Facilities for the Arts Board .....	55
County Housing Authority.....	63	Open Space Commission.....	71
County Land Advisory Board .....	78	Organizations / Associations .....	88
County Park District .....	64	Parking Commission .....	80
County Planning and Zoning Commission .....	69	Public Library District .....	73
County Planning Boards.....	66	Railway Authority.....	79
County Tax Appeal Board.....	65	Regional Airport Authority.....	51
County Transportation Committee.....	80	Regional Port Authority.....	55
County Water and/or Sewer Districts .....	82	Regional Resource Authority .....	81
County Zoning Board of Adjustment .....	70	Regional Water and Wastewater Authorities.....	84
County Zoning Commission.....	69	Resort Area District .....	77
District Boards of Health.....	62	Rodent Control District .....	74
Drainage District.....	85	Rural Fire Districts .....	57
Elementary School Districts.....	76	Rural Improvement Districts .....	52
Fair Commission .....	56	Solid Waste Management District.....	59
Fire Hydrant Maintenance Districts.....	56	Special Improvement Districts .....	53
Fire Service Area .....	57	State Agencies.....	88
Grazing District.....	74	Technology Districts.....	55
Health Care Facilities Commission.....	59	Television District.....	54
High School Districts .....	76	Transportation Improvement Authority.....	79
Hospital Districts .....	59	Urban Transportation District .....	78
Industrial Districts.....	55	Weed District .....	87

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