



BROADWATER COUNTY PARKS AND RECREATION ADVISORY BOARD BYLAWS

ARTICLE I. ORGANIZATION AND PURPOSE

Section 1. Name. The Broadwater County Commission’s intent to create the Board was established on August 8, 2011, through Resolution 2011-13 and on September 19, 2011, through Resolution 2011-17. The name of this organization is the **BROADWATER COUNTY PARKS AND RECREATION BOARD**, hereinafter referred to as the “Board”.

Section 2. Principal Office. The principal office of the Board shall be at the Broadwater County Courthouse at 515 Broadway, Townsend, Montana 59644.

Section 3. Mission Statement: To advise the county commissioners of opportunities for healthy, safe, and diverse recreation in Broadwater County.

Section 4. Purpose. The purposes for which the Board is organized are:

- To provide an open process by which all members of the community may involve themselves in the achievement of preserving, protecting, maintaining, improving, and enhancing our natural resources, parkland, and recreational opportunities for current and future generations.
- To make a positive impact on the citizens of Townsend and Broadwater County community.
- To advise the county commissioners on the adequacy of existing recreational facilities and to explore possible expansion if future needs should mandate.
- To advise the county commissioners on possible enhancements and opportunities to develop recreational facilities through grants, donations, and fundraising activities.
- To work with county, city, and school district officials to coordinate enhancements and expansions of recreational programs in Broadwater County

The Board shall have the responsibility of establishing policy, and short and long-term goals of the Board. The policy and goals shall be reviewed and adjusted as needed annually at the January meeting. The Board shall adhere to a policy of welcoming all comments from the

community regarding recreational development. That policy shall include requesting all recommendations to be in the form of letters. After considering the recommendations, the Board shall invite presentations of those recommendations if they so desire.

ARTICLE II. BOARD MEMBERSHIP AND RESPONSIBILITIES

Section 1. Members. The Board shall consist of no less than five (5) or no more than seven (7) voting members who are appointed by the commissioners and serve at their pleasure. Appointments shall be made according to the Broadwater County Boards Appointment & Function Policy.

Section 2. Terms. Terms of each member shall be staggered. The commissioners shall establish the staggered order of terms. The first year of appointment shall be for one (1) year, following years' appointments shall be two (2) or three (3) years staggered. Appointments are made for calendar year or as vacancies arise.

Section 3. Removal of Members from the Board. As the proper functioning of a board is seriously impaired by the absence of its members, if a member has two consecutive absences from regularly scheduled meetings during the year, the commissioners may be informed, and a replacement requested.

Section 4. Advisory Members. Advisory members will include a County Commissioner "ex-officio" member and an "ex-officio" Planning Director. Additional advisory members may be appointed as non-voting members. Advisory members may also include a City Council liaison as an ex-officio member.

Section 5. Vacancies. Vacancies for voting members shall be filled by the commissioners for the unexpired portion of the term. Section 7-1-201 (3)(c), MCA.

Section 6. Compensation. Members and advisory non-voting members are not compensated other than for necessary expenses which must be approved in advance by the commissioners. Transportation and actual expenses may be reimbursed per the Broadwater County Reimbursement Policy based on state per diem rates with prior approval from the commissioners. No other compensation shall be allowed.

ARTICLE III. BOARD OFFICERS

Section 1. Elections. Officers shall be elected by members of the board at the first regular meeting in each calendar year and shall serve one (1) year. Officers may be re-elected to serve multiple years, there shall be no term limits.

Section 2. Chair. The board shall elect a Chair who shall conduct all meetings and business of the Board according to Open Meeting Laws and to encourage Public Participation of all citizens. The Chair shall take public comment at all meetings and prior to all votes and shall maintain civility.

Section 3. Vice Chair. The board shall elect a Vice Chair who shall conduct all meetings and business of the Board in the Chair's absence.

Section 4. Secretary. The board shall elect a Secretary if no Administrative Assistant is appointed by the County. An appointed Administrative Assistant is not a voting member and shall perform the described duties of Secretary. If a Secretary is elected, he or she shall take minutes at meetings and is responsible for correspondence. The Secretary shall be responsible for posting meeting notices at least 48 hours prior to the meeting and email a copy of the agenda and relevant information to board members prior to the meeting.

ARTICLE IV. MEETINGS OF THE BOARD

Section 1. Annual Organizational Meetings. An annual organizational meeting is held at the first regular meeting in each calendar year. Calendar year begins on January 1 and ends on December 31. At this meeting the agenda will include but is not limited to:

- Elect officers and appoint advisory members;
- Review the board objectives which guide the board;
- Review the By Laws of the board;
- Provide overview and training as needed for new members.

Section 2. Regular Meetings. The Broadwater County Parks and Recreation Board will hold a regular monthly meeting not less than ten (10) times per year. The Board's regular monthly meeting date, time, and location shall be the third (3rd) Monday of every month, at 6:00 p.m., in the Commissioners' meeting room of the Flynn Building, unless determined, by a majority of members that, because of a conflict or other need arises, a change may be made by electronic communication before the next meeting or, if possible, no later than the adjournment of any regular monthly meeting.

All meetings, regular and special, including all Board deliberations during such meetings, are open to the public. Public comment is acceptable only during that portion of the meeting designated for such comment, or upon deliberation of any agenda item for which an individual or group has specific business as identified by the agenda for that meeting. The Chair may ask

members of the public present at any meeting to state their business with the Board so that the Board may consider rescheduling that business item for the convenience of the individual or group.

Section 3. Special Meetings. Special meetings shall be called a necessary by the Chair, or at the request of any two (2) board members. Meetings may be held at any predestined place or time to encourage Public Participation.

Section 4. Quorum. A majority of board members constitutes a quorum for all meetings. If any meeting is convened where there is not a quorum, the directors present may discuss routine matters but may not hear testimony or take formal action on any matter requiring motion and a vote. No meeting shall be held unless all members of the Board have been given notice.

Section 5. Manner of Action. An act of a majority of the members at a meeting at which a quorum is present shall be the act of the Broadwater County Parks and Recreation Board, except where otherwise provided by law. There is no proxy voting. There is no email voting.

Section 6. Parliamentary Procedure. For all procedural matters not specifically covered in the Bylaws, the controlling parliamentary authority shall be Robert's Rules of Order.

- The Chair, being a co-equal director of the Board, shall in addition to presiding, have a right to participate in debate, and shall vote on all motions, and not only where the vote of the chair would create or break a tie.
- A motion, once stated and seconded, limits the debate to points relevant to the motion. Prior to a formal motion being stated, general discussion of and the presentation of information relevant to an agenda item being considered is in order.
- Before taking of any action, the Chair shall allow members of the audience to be heard. All public comment shall be civil. All boards members shall conduct themselves in a civil manner as they serve for the citizens of Broadwater County. No member of the audience may be heard during Board discussion. The Chair may reasonably limit audience participation but must do so in an equitable manner.
- Reconsideration of any action of the Board may be allowed at any time, upon motion of a board member who voted affirmatively.

- Routine matters, such as setting meeting times and adjournment, setting future agenda items, or appointment of committees, may be by consensus rather than by motion and vote.

Section 7. Agendas and Notice of Meetings. The Board, through its Secretary or appointed Administrative Assistant, shall ensure that an agenda and location of all meetings, including special meetings, is published and available for public inspection at least forty-eight (48) hours, consisting of time in business days only, in advance of the meeting. A majority of Board members constitutes a quorum for the purposes of conducting business and exercising Board powers. Action may be taken by a majority vote of the members present and voting.

Section 8. Open Meetings Requirements. All meetings are open to the public. Section 2-3-203(1) MCA. Meetings may be closed to the public when the discussion relates to a matter of individual privacy and then only where the Chair determines on the record that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting remains open to the public. Section 2-3-203(2)(3), MCA. To comply with the spirit and intent of the open meeting and public participation laws, public notice of not less than two business days shall be given of all Board meetings, regular and special. Two business days' notice need not be given where the Board must deal with an emergency situation affecting public health, welfare, or safety. Section 2-3-112(1) MCA.

Section 9. Minutes. Minutes of all the Board meetings shall be kept by the appointed Administrative Assistant or Secretary and shall be signed by the Chair and/or Vice Chair, after approval by the Board at the next meeting. Minutes of all open meetings, and portions of meetings that are open to the public, shall be kept available for inspection by the public in the Clerk & Recorder's office. The secretary shall keep separate minutes of all discussions and votes held during executive sessions, those shall be sealed and kept in the Human Resource/Finance Office. The minutes need not have detailed reports of discussions but shall have all motions and a roll call vote. The minutes should include the names of members present and absent, and staff and/or public present.

Section 10. Financial Report. An analysis of funds received and disbursed shall be provided at each regular meeting by the Secretary or appointed Administrative Assistant. Any payments of filed claims must be approved by the Board for recommendation to the Broadwater County Commissioners. The fiscal year of the Board shall be a period of July 1 to June 30.

ARTICLE V. SUBCOMMITTEES

The Chair may appoint Subcommittees as the Chair deems necessary to carry out the work of the Board. The Chair shall be an ex-officio member of all subcommittees. Subcommittees may be composed of representatives of public agencies, private volunteer groups and public members, but members of the Board must make up a majority of any subcommittee.

ARTICLE VI. CONFLICT OF INTEREST

Section 1. Conflicts of Interest. It is in the best interests of the Board to be aware of and properly manage all conflicts of interest and appearances of a conflict of interest. Conflict of interest arises whenever the personal or professional interest of an individual member of the Board is potentially at odds with the best interests of the County. Board members will avoid where possible even the appearance of a conflict of interest or impropriety. This provision is intended to supplement, but not replace, any applicable laws governing conflict of interest. Personal or professional interests include, an interest of any kind, which, in view of all the circumstances, is substantial enough that it would, or reasonably could, affect a member of the Board's judgment with respect to transactions to which that person is a party. Because many situations involve potential conflict of interest, the following procedures apply.

If an issue is to be decided by the Board that involves potential conflict of interest for a member of the Board:

- 1) It is the responsibility of that member of the Board to:
 - a. Identify the potential conflict of interest;
 - b. Not participate in discussion of the matter or motion being considered, nor shall he or she attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. Such non-participation may necessarily include physically leaving the meeting; and
 - c. That member shall not vote nor be counted in determining the presence of a quorum for purposes of the vote.
- 2) It is the responsibility of the Board or members thereof to:

- a. Identify any potential conflict of interest, if known, and
- b. Record in the minutes of the Board Meeting the conflict or potential conflict of interest and the actions taken and use the procedures and criteria of this provision.

The Board shall review this provision of the bylaws annually. Any changes shall be communicated to all interested persons.

Article VII

Board Members Subject to County Personnel Manual.

Board members are subject to the Broadwater County Personnel Policies and Procedures Handbook.

Article VIII

Legal Assistance

The County Attorney represents Broadwater County Boards on matters relating to their functions, powers, and duties.

Article IX

Indemnification of Directors

Except as otherwise limited by Montana Codes Annotated, Broadwater County may indemnify any board member against claims, liabilities, expenses, and costs necessary incurred in the connection with the defense, compromise or settlement of any action, suit, or proceeding, civil or criminal, in which such board member is made a party by reason of being or having served on a Broadwater County board.

Article X

Board Responsibility

Non-withstanding any other provision of these bylaws, no member shall take any action or carry on any activity by or on behalf of the Board not permitted to be taken or carried on by a vote of the board.

All proposed expenditures must be approved by majority vote of the board and approved by the Board of County Commissioners.

A majority vote by the board constitutes a board decision. No member may move forward contrary to a board decision. A dissenting member should continue to work with the board in that direction, or on that project.

Article XI

Amendments to Bylaws

The bylaws may be altered, amended or repealed and new bylaws may be adopted by two thirds (2/3) majority vote of the Board members present at any meeting if, at least two weeks written notice is given to each member of the board of the intention, at such meeting, to alter, amend or repeal or to adopt new bylaws. The Broadwater County Commissioners must give approval to any alteration, amendment, repeal or new bylaw(s) prior to implementation. The Secretary or Administrative Assistant shall provide an up-to-date copy of these by-laws with the County Commission annually.

Article XII

Approval and Adoption of Bylaws

These bylaws were approved and adopted by Broadwater County City/County Parks and Recreation Board on _____ 2024, effective upon adoption and approval of the county commissioners.

Board Members' Names and Signatures:

Board of County Commissioners:

Chair *Date*

Darrel Folkvord, Chair *Date*

Vice Chair *Date*

Debi Randolph, Vice Chair *Date*

Secretary *Date*

Lindsey Richtmyer, Commissioner *Date*

Attest:

Angie Paulsen, Broadwater County Clerk and Recorder