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BYLAWS OF THE BROADWATER COUNTY WEED DISTRICT

ARTICLE ONE

Creation

The Broadwater County Weed District Board (Board) was created pursuant to the Broadwater County Commission Resolution No. 2010-16 dated December 23, 2010. The Board and County Commissioners modified the Board by memo of understanding on April 30, 2018. The Weed District is partially funded by a voter mandated levy voted on 3-15-2006.

ARTICLE TWO

Jurisdiction

The Broadwater County Weed District includes all lands contained within the boundaries of Broadwater County. Special weed management districts may be extended to include portions of adjacent counties, with the approval from the county commissioners from affected counties.

ARTICLE THREE

Powers and Duties of the Board

Based on Sections 7-22-2101 through 7-22-2154 Montana Code Annotated, also known as the "Montana County Weed Control Act," and with the approval of the County Commissioners, there exists a "Broadwater County Weed Board", to be known as the "Board".

1. The Board shall:
 - a. Provide a written County noxious weed management plan every two years to the County Commissioners for submittal to the Montana Department of Agriculture;
 - b. Provide recommendations to the County Commissioners in administering the District's noxious weed management;
 - c. Provide recommendations to the County Commissioners for establishing management criteria for noxious weeds on all land within the district;
 - d. Provide recommendations to the County Commissioners in order to make all reasonable efforts to develop and implement a noxious weed management program covering all land within the district owned or administered by a state or federal agency;
 - e. Provide recommendations to the County Commissioners to enter into agreements with the Montana Department of Agriculture for the control and eradication of any new invasive plant species not previously established in the state or county that may render land unfit for agriculture, forestry, livestock, wildlife, or other if the plant species spreads or threatens to spread into the entire state;

- f. Provide recommendations to the County Commissioners to enter into cost share agreements for noxious weed management;
- g. Provide recommendations to the County Commissioners to enter into agreements with commercial applicators, as defined in § 80-8-102, MCA, for the control of noxious weeds; and
- h. Provide recommendations to the County Commissioners to perform other activities authorized by law relating to noxious weed management.

ARTICLE FOUR
Board Members

Section 1. Members. The Board shall have five (5) voting members, as established by the Montana Weed Control Act § 7-22-2103, MCA, of which shall try to represent as many different areas and types of landowners of the county as possible. May include: agriculture producer, farmer/rancher, small acreage, weed professional, or municipality representative.

Section 2. Appointment. The Broadwater County Commissioners shall appoint all members to the Board. A letter of interest shall be submitted to the Broadwater Planning Office by residents of Broadwater County who wish to join the Board. Notice of applicants will be provided to the Board before selection.

Section 3. Terms. The Board members shall serve a term of three years. These terms shall expire on December 31st of the third year of the term. All terms shall be staggered so that the Board will maintain a quorum. Terms shall commence January 1st and expire December 31st.

Section 4. Removal of Members from the Board. The proper functioning of the District and the Board is impaired by the absence of its members. If a member has two consecutive unexcused absences from regularly scheduled meetings, the Board may inform the County Commissioners and request the Commission remove the member. Continued unexcused absenteeism is cause for dismissal by the County Commissioners. Members may also be removed at the discretion of the County Commissioners due to unethical or unlawful behavior, acts, or conflicts of interest.

Section 5. Vacancies. Vacancies for members shall be filled by the appointment from the County Commissioners. The new appointee shall then serve the unexpired portion of the term.

Section 6. Compensation. Members may receive reimbursement for mileage to and from their homes at the current government rate for each meeting attended.

ARTICLE FIVE

Officers

Section 1. Election. Officers of the Board shall be elected during the first regular meeting and shall serve until the first regular meeting in the following year. Officers elected to fill vacancies shall serve until the scheduled end of the elected appointment.

Section 2. Chair. The Board shall elect a Chair who shall conduct all meetings and the business of the Board.

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 may elect a secretary who shall provide the agenda and keep the minutes.

ARTICLE SIX

Meetings

Section 1. Regular Meetings. Regular meetings shall be held at a frequency and time agreed upon by the Board, no more than once a month.

Section 2. Special Meetings. Special meetings may be at the call of the Chair or the request of three (3) members.

Section 3. Annual Organizational Meetings. An annual organizational meeting to review the Board's objective may be called once a year at a time agreed by the Board.

Section 4. Quorum. Three (3) Members constitute a quorum for all meetings.

Section 5. Manner of Action. An act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Board, except where otherwise provided by law or these Bylaws. Notwithstanding the above, any action to void, alter, modify, or in any way change a previous decision by the Board shall only be made with unanimous vote of all members. There is no proxy voting.

Section 6. Parliamentary Procedure. All decisions by the Board shall be made by motion, requiring a second, with discussion on the motion to follow. Final action on a motion shall be made by roll call vote.

The Chair, being a co-equal member 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 a break of a tie.

Routine matters, such as setting meeting times and adjournment, may be made by consensus rather than by motion and vote.

Section 7. Notice of Meetings. The Board Secretary or Chair shall notify all Members, County Weed Coordinator and Public Works Supervisor of all meetings either orally or in writing. No special meeting shall be held unless diligent efforts have been made to notify all Members, County Weed Coordinator and Public Works Supervisor. Notice shall also comply with Section 8, below.

Section 8. Open Meeting Requirements. All meetings of the Board are open to the public.

To comply with the spirit and intent of the Open Meeting Law, appropriate public notice shall be given of all Board meetings, regular and special. Notice shall include at a minimum publication of the Board's agenda in accordance with Section 7-1-210, MCA.

The Board shall provide for an opportunity for the public to comment on matters of significant interest to the public and related to the Board's powers and functions. The Board may limit this comment only to items not on the agenda for the meeting.

Section 9. Agenda. A template agenda will be drafted, and the County Weed Coordinator and Chair will make revisions and approve the agenda for distribution to the Board, County Weed Coordinator and Public Works Supervisor. The Agenda shall be published as provided for in Section 8, above. The agenda shall contain an item allowing the public to comment on non-agenda items, as provided in Section 8, above.

Section 10. Minutes. Minutes of all Board meetings shall be kept and shall be signed by the author and Board Chair after approval by the Board at the next meeting.

Minutes of all meetings shall be made available for public inspection at the County Court House Clerk and Records Office.

The Minutes need not have detailed reports of discussions but shall include all motions and, upon request of a Board member, a roll call vote of the Members. The minutes shall include the names of the Members and staff present, the Members absent, and the names of all members of the public attending, if possible.

ARTICLE SEVEN

Amendments to the Bylaws

These bylaws may be altered, amended, repealed or new bylaws adopted if a majority of Board Members vote to do so. New bylaws will be presented to the Board of County Commissioners for approval and adoption; after two weeks written notice has been given of the Boards intention to do so.

ARTICLE EIGHT

Amendments to the Bylaws

These Bylaws are approved by the Broadwater County Commissioners' on this date

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Mike Delger

Debi Randolph

Darrel Folkvord