

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

KANENWISHER 

STOLTZ 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner J.R. Iman, Commissioner Greg Chilcott, Commissioner Matt Kanenwisher and Commissioner Ron Stoltz

Date.....April 13, 2011

► Minutes: Beth Perkins

► Commissioner Stoltz and Commissioner Kanenwisher met with Gary Leese at the Lone Rock Park for a site visit at 8:00 a.m.

► Commissioner Kanenwisher attended a Park Board meeting at 10:00 a.m.

► The Board met with the Park Board for their quarterly update and to discuss the agreement between the County & Grantsdale Addition for parkland at 1:30 p.m. Present were Park Board members Gary Leese, William Delaney, John Ormiston, Frank Lipus, William Clark and Bob Cron.

The MDT amenities were discussed and the Park Board expressed concern with their past efforts. Specifically the consolidation of the agreements into one master agreement and the work needed on the well at the Stevensville Wye. The Board assured them the consolidation is still being developed and the issue of the well will be addressed with Schellinger and MDT.

Other items of discussion were the denial of a rental agreement for the Kurtz Lane property and the Grantsdale Addition subdivision parkland.

► The Board met with Civil Counsel Karen Mahar regarding procedures for public meetings at 2:40 p.m. Present were Civil Counsel Dan Browder, Lee Tickell, Maggie Wright, Bill LaCroix, Ren Cleveland, Bitterroot Star Reporter Michael Howell and Administrative Assistant Glenda Wiles.

Civil Counsel Karen Mahar presented the Board with a proposed agenda. There are specific requirements for public participation and the standard is it has to be considered in matters of significant public interest. The minutes are open to public inspection, and have to include the date, time and place, list of the members, substance of all matters proposed, discussed or decided, and the record of individual votes. According to Robert's Rules of Order, minutes should memorialize what was done not what was said.

Dan Browder reviewed the agenda for closed door meetings to include disclosure of conflicts of interest, public comment, written comment, public comment on items not otherwise on the agenda, and then the Chair decides to close the meeting under MCA 2-3-203 under individual right to privacy or to discuss litigation strategy. The decision to close the meeting has to be substantiated and included within the minutes. During the meeting, records of any action taken are required. Glenda asked if there was ever a time minutes would be needed for a closed door meeting and keep those minutes confidential. Karen replied there is a flexibility of how the Board would like to keep minutes with the minimum requirements. There are different kinds of matters and how evidence is taken. Details are not required but it is the Board's discretion to include the details should they feel necessary.

Michael Howell agreed with the attorneys on how a meeting should be conducted. He requested some identification of what the meeting is about such as litigation. Discussion followed regarding the publication of the name of an employee filing a grievance. Commissioner Stoltz stated that would make employees afraid to file a grievance if their names were public with the hope of resolution.

Lee Tickell asked if Closed Door meetings could be listed as litigation and personnel and what are the expectations of privacy when applying for positions versus people applying for boards. Karen explained the difference and board applications are public. It was determined to add a statement to the applications that they are public and any information the applicants wishes to keep confidential shall be submitted on a separate piece of paper.

Commissioner Iman opened public comment.

Lee Tickell questioned the agenda and how it is worded. There is a fine line between ministerial and what is significant public interest. Commissioner Kanenwisher replied there are some cases of scheduling updates that information is saved up and isn't defined to specific items so the agenda is not confined. Karen stated open meetings are to hear, discuss or act upon a matter.

Michael Howell noted for record he agreed with the procedure for public meetings. Commissioner Iman closed public comment.

Commissioner Iman requested any public comment not otherwise on the agenda. Hearing none, he then closed public comment.

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Ravalli County Attorney

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Agenda for BCC meeting on procedures for public meetings

April 13, 2011, 2:30 pm
Commissioners Meeting Room

- 1) Open Meeting
- 2) Disclosure of conflicts of interest
- 3) Attorney Staff Report
- 4) Public Comment
- 5) BCC review of any written comment submitted
- 6) BCC discussion & questions
- 7) Public Comment on Items Not on Agenda
- 8) Adjournment



BCC Open Meeting Agenda Suggestion

- Disclosure of conflicts of interest
- Commissioner / staff report or update
- Public comment
- BCC review of written comment submitted
- BCC discussion and questions
- BCC decision
- Public Comment on Items Not on Agenda
- Adjournment

Note that the BCC's decision options lawfully include

- Postpone decision
- Make decision
- Decide not to act

As a matter of practice, the BCC should generally take public comment on the proposed issue before motions and BCC discussion, as evidence that public comment has been considered before a decision is made.

Minutes of open meetings must be kept under 2-3-212

Minutes must be made available to public 7-5-2129; 21 days reasonable per 7-5-2123

BCC Current Closed Meeting Agenda

- Disclosure of conflicts of interest
- Public comment
- BCC review of written comment submitted
- Public Comment on Items Not on Agenda
- BCC Chair decision on whether to close meeting under 2-2-203, MCA
 - 2-3-203(3) - matters of individual privacy if demands of privacy clearly exceed merits of public disclosure; may be waived by individual about whom discussion pertains
 - 2-3-203(4) - discuss a strategy to be followed with respect to litigation when open meeting would have a detrimental effect on litigating position of public agency; may not be closed in litigation involving only public bodies or associations
- Commissioner / staff report or update
- BCC discussion and questions
- BCC decision
- Adjournment

Minutes must be kept of any decision under 2-3-212 (see prior email)

Minutes can be kept confidential

Consider identifying subject in title

Richard Taylor

RESOLUTION NO. 1572

RESOLUTION PROVIDING FOR PUBLIC PARTICIPATION

The Board of County Commissioners of Ravalli County, Montana, in regular session this 13 day of January, 2004, approved and adopted the following resolution:

WHEREAS, Section 2-3-103(1), M.C.A., requires the Board of County Commissioners to develop procedures for permitting and encouraging public participation in decisions of the Board of County Commissioners that are of significant interest to the public and to allow public comment on public matters over which the Board has jurisdiction.

IT IS HEREBY RESOLVED, that:

1. To assure adequate notice before a decision is made or action is taken on any matter of significant interest to the public or that has been presented during the open public comment portion of a prior meeting on a public matter within the commission's jurisdiction, the Board will post its weekly agenda specifically identifying such matters on the main bulletin board on the third floor of the Ravalli County Administrative Center. The agenda will be posted a minimum of two days prior to the time scheduled. The agenda may be amended and re-posted, as needed, until two days prior to the time scheduled. Matters that require statutory notice by publication or posting will be complied with as the particular statute may require.
2. The agenda for each meeting of the Board of County Commissioners shall include an item identified as "Comments on Public Matters, not otherwise on the agenda of the meeting, that is within the Commission's jurisdiction." The Chair or presiding officer of the Board will provide reasonable time for any person to submit data or comments, either orally or in writing, on public matters within the Commission's jurisdiction. "Public matters" do not include contested cases and other adjudicative proceedings.
3. Specific agenda items will comprise those matters requested or approved for placement on the agenda by one or more of the County Commissioners. The public may request issues be added to the agenda either during a regular meeting under the item identified as "Comments on Public Matters within the Commission's Jurisdiction," or by making an oral or written request directly to one of the Commissioners.
4. The Board of County Commissioners, for the purpose of conducting county business, will hold regular meetings commencing at 9:00 a.m. on the Tuesday and Thursday of each week for the purpose of taking action on public matters within the Commission's jurisdiction. The office of the Board of County Commissioners is open for business from 9:00 a.m. until 5:00 p.m. on every business day. No notice will be given of routine matters or impromptu discussions with county employees, vendors or other citizens. In addition to regular meetings, the County Commission may hold special meetings as county business requires, with appropriate notice to the public. All meetings of the County Commissioners are open to the public unless closed as provided by statute. On occasions when a quorum of the Board of

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Commissioners is not available, regular meetings may be cancelled, and on such occasions as much advance notice will be given to the public as is practical.

5. Before taking action on matters of significant public interest, excluding contested cases and other adjudicative proceedings, the Chair or presiding officer will provide reasonable time for any person to submit data or comments, either orally or in writing, regarding action that may be taken by the Board. Additionally, before taking action on public matters within the Commission's jurisdiction presented at the public comment portion of a previous meeting, the Chair or presiding officer will allow any person to submit data or comments, either orally or in writing, regarding action that may be taken by the Board.
6. For any matters addressed by a public hearing held by the County Commissioners or by any other county board, the appropriate time for the public to submit data and/or comments is before the close of the public hearing. The Board of County Commissioners will consider the record of submitted data and public comments made at a hearing prior to making a decision upon the subject matter of that hearing. The Board of County Commissioners will not consider new information submitted or presented after the close of a public hearing, but will allow, at the Commissioners' public meeting, comments, argument, and opinions exclusive of new data as to the decision the Commissioners should make based on the information presented at the previous hearing. However, if the Board of County Commissioners is making a decision in an adjudicative capacity, the Commissioners will not receive nor consider information submitted or presented outside of the official public process. All deliberations of the Board of County Commissioners regarding matters that are of significant interest to the public shall be open for public observation, except as otherwise may be provided by Montana law.
7. Former Ravalli County Resolution 916 and Resolution 1089 are hereby rescinded and replaced with the provisions of this resolution.

PASSED AND APPROVED THIS 13th DAY OF January, 2004.

BOARD OF RAVALLI COUNTY COMMISSIONERS

Betty T. Lund
Betty T. Lund, Chairman

Greg Chilcott
Greg Chilcott, Member

Alan Thompson
Alan Thompson, Member

Neira P Taylor
Neira P Taylor, Clerk & Recorder



