

COMMISSIONERS APPROVAL

BURROWS *JB*

FOSS *SF*

CHILCOTT *[Signature]*

IMAN *JR*

STOLTZ *[Signature]*

Members Present.....Commissioner Jeff Burrows, Commissioner Suzy Foss, Commissioner Greg Chilcott, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....January 31, 2013

► Minutes: Glenda Wiles

► The Board met at 8:00 a.m. to interview Julie Emmett for the Open Lands Board.

► The Board met at 9:00 a.m. to have a discussion and make a decision on the appointment of Terry Nelson (Planning Administrator) as the County Surveyor. Present at this meeting was Deputy County Attorney Howard Recht and Terry Nelson. Attorney Recht discussed the Montana Statute (MCA) and the current form of Commission Government in light of conflicts of interest or economic gain that might arise on certain project(s), noting no additional compensation for this survey work is to be gained by Terry and the consolidation of the Surveyor would be under the Treasurer as an Elected Official. Attorney Recht noted if any conflicts were to arise, under the law, the county could contract out a particular surveying service. Discussion also included equipment that might be necessary during a survey that is not part of the county ownership, but rather under the ownership of Terry. Attorney Recht noted the MCA addresses this issue in light of ethical considerations, having third party oversight, and allows the solicitation of bids for the necessary equipment.

After discussion the Board found the following Finding of Facts as follows:

- It would be the less expensive for county to pay the Planning Administrator (Nelson) for the duties of surveyor;
- The county must recognize the current workload of the Planning Administrator (Nelson) and act accordingly on any survey work to be done;
- To utilize the Planning Administrator (Nelson) on an as needed case-by-case basis with prior approval of the Commissioners;
- To make sure the Planning Administrator (Nelson) understands the Montana Code 2-2-205 and 2-2-201 in regard to any conflicts of interest;
- Any project outside his scope, Terry Nelson has the ability to recommend to the Commissioners the use of another survey firm;
- Under 7-4-2801 MCA the Treasurer has the ability to contract survey services out, and the Commissioners will approve of this contracted service;

- Attorney Recht also noted MACo had no issues with utilizing Terry Nelson as the County Surveyor.

**Commissioner Chilcott made a motion based on findings of fact to appoint Terry Nelson as the County Surveyor. Commissioner Foss seconded the motion. Discussion: The Commissioners need to contact equipment companies in order to find out the cost of equipment for rent or lease so any equipment utilized by Terry Nelson would be reimbursed at the standard industry rate. All voted "aye". (4-0)**

Terry will put a list of equipment that will be utilized for this work.

► The Board met at 9:30 a.m. with Lynn Hyllegard of MR TMA (Transportation Management Association) in order to gain approval of the Transportation Consortium Agreement. Lynn indicated she met with Lake County and has achieved their sign off to this agreement. Missoula County was concerned that Lynn has not made contact with the Aging Services in Missoula County but Lynn noted that contact is not necessary for this agreement.

**Commissioner Chilcott made a motion to approve this Consortium Agreement with Chair signature. Commissioner Foss seconded the motion. Discussion: included the importance of serving clients which includes areas of Ravalli County. All voted "aye". (4-0)**

► The Board met at 10:00 a.m. for a public hearing on budget amendments for FY 2013. This public hearing was live streamed by Web Ex. Glenda read the legal notice and noted the hearing and any documents presented in the Web Ex live streaming could be utilized for purposes of litigation .

Present was CFO Klarryse Murphy who presented and explained each budget amendment for FY 2013 and the necessity to have a public hearing due to budget revenues being amended.

Resolutions were as follows:

- Resolution No. 2983: 4000 line item for capital reserves. **Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion and all voted "aye" (4-0)**
- Resolution No. 2984: 2879 line for Montana Tobacco Coalition revenues. **Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion. Public Comment: Chris Hockman was on Web Ex but the audio was not working correctly. All voted "aye". (4-0)**
- Resolution No. 2985: 2985 line for unanticipated revenue from Montana Aeronautics for work on the Environmental Assessment. **Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion. Discussion was these funds are not comingled. All voted "aye". (4-0)**
- Resolution No. 2986: Unanticipated funds from the Darby Lumber Mill Tax Assignment. **Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion and all voted "aye". (4-0)**
- Resolution No. 2987: Unanticipated revenue from airport hangar (previous five year payment owed the county) and monies will utilized for septic issues at the airport. **Commissioner Chilcott made a motion to adopt this Resolution. Commissioner**

**Iman seconded the motion. Public Comment: Michael Howell asked what the septic system issues are. Commissioner Foss stated systems at the airport need to be evaluated. All voted "aye". (4-0)**

- **Resolution No. 2988: 2175 budget line for unanticipated revenues from FAA for engineering. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion and all voted "aye". (4-0)**
- **Resolution No. 2989: 1000 budget line for unanticipated revenue for grant administration. It was noted the balance of this administrative fee will be placed in the general fund. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Foss seconded the motion and all voted "aye". (4-0)**

Commissioner Stoltz was now present.

- **Resolution No. 2990: 4002 budget line for unanticipated revenue for Search and Rescue building. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion and all voted "aye". (5-0)**
- **Resolution No. 2991: 2859 budget line for unanticipated revenue for Drug Free Communities Grant. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Foss seconded the motion and all voted "aye" (5-0)**
- **Resolution No. 2992: 2252 budget line for unanticipated revenue for cadastral grant. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion and all voted "aye". (5-0)**
- **Resolution No. 2993: 2840 budget line for unanticipated revenue into the weed fund. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion and all voted "aye". (5-0)**
- **Resolution No. 2994: 1000 budget line for unanticipated revenue into the general fund for Cultural Aesthetic Grant. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- **Resolution No. 2995: 4005 budget line for unanticipated revenue for the reimbursement of work done on the Road Shop fire from MACo/JPIA. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Stoltz seconded the motion and all voted "aye" (5-0)**
- **Resolution No. 2996: 2170 budget line for unanticipated revenue for the storage of a recreational vehicle at the airport. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**
- **Resolution No. 2997: 4000 budget line for use on the Cross Paintings restoration. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Iman seconded the motion and all voted "aye". (5-0)**
- **Resolution No. 2998: 4001 budget line for power supply purchase. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**
- **Resolution No. 2999: 4002 budget line for 911 power supply. Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Foss seconded the motion and all voted "aye". (5-0) Res 3014 CC motion CI seconded all voted "aye". (5-0)**

Commissioner Chilcott asked where the other 50% of funding is allocated from for the 911 power supply purchases (Resolutions No. 2998 and 2999) Klarryse indicated the other dollars come from budget transfers

- Resolution No. 3014: budget line 2859 for DFC Grant revenues/purchases. **Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- Resolution No. 3015: budget line 2940 for unanticipated revenue from Community Development Block Grant funds. **Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- Resolution No. 3016: budget line 2940 from capital to culvert expenses. **Commissioner Chilcott made a motion to adopt this Resolution. Commissioner Stoltz seconded the motion and all voted "aye" . (5-0)**

Public Hearing was adjourned at 10:55 a.m.

► Due to the hour the Board moved forward to Administrative Matters. **Commissioner Stoltz made a motion to continue the budget transfers after the administrative actions. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

► The Board met at 10:59 a.m. for administrative matters as follows:

- Buckle Up Grant - Charmell Owens was present stating the application to MDOT was in the amount of \$35,000, however the actual amount granted is in the amount of \$23,000 and must be expended by December 30, 2013. Since this will be a Ravalli County grant, if the Commissioners approve the grant and Charmell will be the project director. This grant provides for child and adult protection education on buckling up. Chief Financial Officer Klarryse Murphy noted this is federal money and will be subject to the county audit. There will be no administrative fee for the county on this grant as the state did not allow it. **Commissioner Chilcott made a motion for the Chair to execute the application for the Buckle Up Grant for education on seat belt usage. Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- Approval of Storm Water Discharge Permit at Airport - Airport Manager Page Gough was present and explained the paperwork as well as noting this is an annual permit. This paper work was done prior to this date, but the state has a new form, therefore the Commissioners need to submit the application on the new form. **Commissioner Iman made a motion to have the Chair sign this new form noting the annual permit that has already been submitted and there are no fees for this second form. Commissioner Foss seconded the motion and all voted "aye". (5-0)**
- October 2012 minutes - **Commissioner Chilcott made a motion to approve the minutes as corrected. Commissioner Iman seconded the motion and all voted "aye". (5-0)**
- Stevensville Main Street - CTEP Project - Glenda noted the CTEP Engineers from Helena have not contacted WGM Engineer Cody Thorson for their decision on the match monies. It was agreed to move this meeting to the next Friday.
- Insurance filing updates - Glenda gave an update on the Sheriff's vehicle and Road sander plow crashes.

- Update on First Interstate Bank (FIB) attempt for wire transfer - Chief Financial Officer Klarryse Murphy, Comptroller Jana Exner, Accounting Staff Verona Stromberg, Treasurer Marie Keeton and Information Technologies Director Joe Frohlich met with the Board to report on an illegal attempt by persons unknown to transfer \$16,000 from the county fund into the Hamilton School District. First Interstate Bank intercepted this fax requesting this internet wire transfer because the procedure for this request did not match the policy for such transfers. Whomever attempted the transfer also had the Treasurer's signature (stolen from another form). Marie indicated the account is now compromised with her signature. She has talked to law enforcement as well as the cash management officer with FIB and both felt the attempt would probably not be made again. She asked if she should close that particular account and reopen it with a different number and the account under another account number. Both law enforcement and the cash manager feels the account should be closed. However that will create some 'headaches' for their accounting which includes the school districts. Discussion included flagging the account, uploading the check numbers for the purpose of monitoring the account, other county & district account numbers, signature templates, secure emails outside the county system, encryption of emails, and checking all expenditures as new accounts could also be subject to a hacker. It was noted First Interstate Bank did follow policy and stopped the attempt at the transaction. However it was agreed the county needs to review their liability insurance for the school accounts particularly if anything gets beyond the county firewalls and visit with the Hamilton School District and other districts about this issue. Joe will handle the encrypted email issue.

► The Board continued their 10:30 a.m. Budget Transfer meeting at 12:10 p.m. with CFO Klarryse Murphy. Klarryse made a review of each budget transfer as follows:

- Resolution No. 3017: budget line 2250 for training;
- Resolution No. 3018: budget line 1000 for Special Investigator salary
- Resolution No. 3019: budget line for Fair
- Resolution No. 3020: budget line 2210 for park property taxes
- Resolution No. 3021: budget line 2300 for Sheriff's fuel expenses
- Resolution No. 3022: budget line 1000 for Treasurer's printing expenses
- Resolution No. 3023: budget line 1000 for Human Resource training expenses
- Resolution No. 3024: budget line 2180 for Clerk of Court legal notice expenses
- Resolution No. 3025: budget line 2110 expenses for DEQ Snyder Lane site clean up
- Resolution No. 3026: budget line 1000 for litigation expenses
- Resolution No. 3027: budget line 2130 road expenses for concrete in bridge fund
- Resolution No. 3028: budget line 1000 for Public Health Nurse expenses for vaccines
- Resolution No. 3029: budget line 2110 for engineering fees in road department
- Resolution No. 3030: budget line 4002 for Search and Rescue building remodel
- Resolution No. 3031: budget line 2110 for crusher expenses
- Resolution No. 3032: budget line 2015 for maintenance costs at administrative building
- Resolution No. 3033: budget line 2180 for Clerk of Court for printing services
- Resolution No. 3034: budget line 2879 for MTUPP Grant expenditures
- Resolution No. 3035: budget line 1000 for Treasurers office expenses
- Resolution No. 3036: budget line 2015 for maintenance services

- Resolution No. 3037: budget line 2850 for E911 repairs
- Resolution No. 3038: budget line 1000 for accounting publishing services
- Resolution No. 3039: budget line 2859 for DFC grant supply purchases
- Resolution No. 3040: budget line 2210 for Park fund debt and principal
- Resolution No. 3041: budget line 2905 Justice Assistance Grant for purchases
- Resolution No. 3042: budget line 4307 for Federal Highway Lake Como road project classification of expenses
- Resolution No. 3043: budget line 2240 for Darby and Maplewood Cemeteries correction in budget funds

**Commissioner Chilcott made a motion to approve of the above numbered Budget Transfer Resolutions. Commissioner Foss seconded the motion and all voted "aye". (5-0)**

► The Board met at 1:30 p.m. to review the proposed draft of a new dog ordinance. Present was Deputy County Attorneys Howard Recht and Dan Browder, Justice Court Clerks Jennifer Ray and Charlene Murray, Planning Administrator Terry Nelson and numerous citizens. A review of the draft was made which included but was not limited to some changes/removal and edits within Cruelty to Animals (Section 1-1-9); Harassment of Livestock (Section 1-1-12); Vicious Dog Definition and Determination; Presumption of Abandonment. It was agreed to calendar another meeting on February 21st.

► The Board met at 3:10 p.m. to open the Bike Path Snow Plow Bid. Only one bid was received from Bitterroot Lawn and Landscaping for an amount of \$150.00. **Commissioner Stoltz made a motion to accept this bid contingent upon the review of Civil Counsel. Commissioner Foss seconded the motion. Public comment: John Ormiston asked about the specifications for the plow. All voted "aye". (4-0) Commissioner Iman was not present for this vote.**

## **Introduction**

The Western Montana Transportation Initiative is a project to develop strategies at the local and regional level to:

- Provide more transportation choices, including developing and expanding the region's clean, efficient and affordable transportation choices.
- Support existing transportation options in all communities.
- Coordinate and leverage federal policies and investment.
- Value communities and neighborhoods.
- Preserve our natural and cultural resources.
- Expand and utilize more local, renewable energy sources.

These local and regional strategies will be developed by a consortium of local transportation organizations, county commissions and residents in Lake, Missoula, and Ravalli Counties, creating a plan to foster a wide range of transportation options through a regional vision for sustainable collaboration. The resulting plan and strategies can be adopted in whole or in part.

The project will allow local governments, businesses, non-profits, citizens, and others to realize unprecedented regional coordination on transportation, jobs, energy, and other interconnected issues.

The Consortium will work together to gather public input and weave together existing plans and strategies across topic areas listed above. The Local Livability Framework is aligned with the principles of the Federal Partnership for Sustainable Communities.

## **Goals**

Through the course of the project, existing plans and strategies will be woven together with public input into a Regional Transportation Coordination Plan that will guide the region's transportation development going forward. The goals of the project and Plan development include:

- To create a plan that promotes full utilization of limited transportation resources
- To ensure broad and diverse participation in the project through the Consortium and its Governance Structure, through effective public communication, and through working relationships with partners.
- To create a regional/community picture based on existing plans and data, as well as future scenarios and alternatives that can be shared with the public through a variety of public engagement efforts. These public engagement efforts will be guided by a detailed outreach strategy to ensure widespread involvement.
- To implement the Regional Plan through incorporation of identified strategies and projects into other state, regional, and local plans, by seeking implementation opportunities

throughout, and by developing an ongoing structure and funding strategy to carry the project forward.

- To ensure that the Regional Plan is a "living document", designed to be a flexible tool that will be modified as the opportunities and needs of the region change over time

## **Consortium Governance and Structure**

### Governance Structure

The Consortium will represent residents and organizations in Lake, Missoula and Ravalli Counties. The Consortium will include local transportation providers. The work of the Consortium will be governed by a Steering Committee, comprised of the Executive Directors of the member transportation systems. The consortium will prioritize vehicle awards submitted to the Montana Department of Transportation's Capital Advisory Review committee after consideration of the local TAC recommendations. The consortium will set regular bi-annual meetings to seek input from the all affected County Commissions and Transportation Advisory Committees. See Appendix A (Consortium Governance Structure) for more information.

The Steering Committee will work towards consensus when making decisions, but will rely upon the majority of voting members present to decide any question which cannot be resolved by consensus. A simple majority (51%) of voting members shall constitute a quorum for transacting business.

### Benefits to Consortium Members

Shape regional transportation coordination plan

Consortium members will play a critical role in shaping the Regional Transportation Coordination Plan, both in assisting with review of existing Plans and by receiving and incorporating public input received. The Regional Transportation Coordination Plan will be a place where Consortium Members can find common ground on shared goals and objectives that the region can work towards together. Consortium Members can play an active role in ensuring the Regional Transportation Coordination Plan reflects and advances the mission of their local transportation organization, or constituency.

Gain access to technical assistance, enhanced coordination of capital equipment, maximize ride sharing opportunities, fundraising and best practices

Consortium Members will continue to rely on the local Transportation Advisory Committees to ensure a broad spectrum of communities and organizations are involved in the process, both through outreach of participants on work groups and by assisting with public outreach efforts.

Identify funding, leveraging and resource sharing opportunities and opportunities for implementation of identified projects

Throughout the project Consortium Members and their staff will be looking for opportunities for funding to develop sustainable and implementation of the Plan goals and the projects and strategies identified in it. Consortium Members will benefit directly from implementation of projects that advance the common goals and objectives identified in the Plan.

#### Responsibilities of Consortium Members:

##### Missoula Ravalli Transportation Management Association:

Collate and submit all MDT grant applications.

- Sign applicable FTA Certifications & Assurances for MRTMA --this has to be done by an authorized agency representative & affirmed by an attorney (Certs & Assurances attached).
    - o # 1 Applicable to All Applicants
    - o # 2 Lobbying (if contract amount is > \$100,000)
    - o # 3 Procurement Compliance
    - o # 12 Alcohol Misuse & Prohibited Drug Use
    - o # 17 Elderly Individuals & Individuals with Disabilities Formula Program
  - Maintain financial records & invoice MDT quarterly in accordance with federally acceptable accounting principles
  - Comply with Federal Civil Rights Requirements (including Title VI, Equal Employment Opportunity & Disadvantaged Business Enterprise programs) (included in clauses)
  - Comply with Federal & State reporting requirements for 5311 program measures (i.e. quarterly reporting on # of rides provided, etc)
  - Comply with FTA Master Agreement (copy attached)
- Operate vanpool services.

##### Lake County Council on Aging

- Sign applicable FTA Certifications & Assurances for LCCOA and Polson Senior Center --this has to be done by an authorized agency representative.
  - o # 1 Applicable to All Applicants
  - o # 2 Lobbying (if contract amount is > \$100,000)
  - o # 3 Procurement Compliance
  - o # 17 Elderly Individuals & Individuals with Disabilities Formula Program
- Maintain financial records to support MRTMA quarterly invoicing of MDT in accordance with federally acceptable accounting principles
- Comply with Federal Civil Rights Requirements (including Title VI, Equal Employment Opportunity & Disadvantaged Business Enterprise programs) (included in clauses)

- Comply with Federal & State reporting requirements for 5311 program measures to support MRTMA quarterly reporting submittal to MDT. (i.e. quarterly reporting on # of rides provided, etc)
- Comply with FTA Drug & Alcohol Program, as applicable
- Comply with FTA Master Agreement

Schedule and operate transportation services in Lake County in coordination with Confederated Salish and Kootenai Tribal Transit

#### BitterRoot Bus

Sign applicable FTA Certifications & Assurances for LCCOA and Polson Senior Center --this has to be done by an authorized agency representative.

- o # 1 Applicable to All Applicants
- o # 2 Lobbying (if contract amount is > \$100,000)
- o # 3 Procurement Compliance
- o # 17 Elderly Individuals & Individuals with Disabilities Formula Program
- Maintain financial records to support MRTMA quarterly invoicing of MDT in accordance with federally acceptable accounting principles
- Comply with Federal Civil Rights Requirements (including Title VI, Equal Employment Opportunity & Disadvantaged Business Enterprise programs) (included in clauses)
- Comply with Federal & State reporting requirements for 5311 program measures to support MRTMA quarterly reporting submittal to MDT. (i.e. quarterly reporting on # of rides provided, etc)
- Comply with FTA Drug & Alcohol Program, as applicable
- Comply with FTA Master Agreement

Schedule and operate transportation services in Ravalli County.

#### Special Conditions

##### Expansion of Consortium Membership

Any eligible entity may join the Consortium at any time. The Steering Committee may determine that new workgroups are needed and will undertake outreach to engage new members in new workgroups if needed. The Steering Committee may undertake special outreach to engage underrepresented constituencies as needed.

##### Changes to Membership Terms

The Consortium Members may elect to change the terms of membership at any time.

**Duration of Consortium Agreement**

This agreement shall remain in force for the duration of the HUD Sustainable Communities Regional Planning Grant, which is expected to conclude on December 31, 2014.

**Termination of Consortium Agreement**

Any member may, at any time, provide written notice to Consortium members of their intent to leave the Consortium. This will result in the termination of any benefits due to membership in the Consortium unless the parties agree to the contrary under mutually acceptable terms.

**Signature**

This document is to be signed by a representative of each Consortium Member who has the authority to enter into an agreement on behalf of that entity. By signing this Consortium Agreement, you agree to join the Western Montana Transportation Initiative Consortium.

EXECUTED as of \_\_\_\_\_, 2012.

**Lake County Commission**

*Polly Frost*

Name

*Lake Co. Comm.*

Title

**Lake County Council on Aging**

*Judith A. Shostak*

Name

*Executive Director*

Title

*406-883-6694*

Phone

*co27@ronan.net*

Email

*528 Main St SW*

Mailing Address

*Ronan, MT*

City/Town

*59864*

Zip Code

**Missoula Ravalli TMA Primary Point of Contact:**

*[Signature]*  
Name  
Executive Director  
Title

327-8707 Phone      mctma@montana.com Email

2820 S Higgins Ave  
Mailing Address

Missoula City/Town      59801 Zip Code

**Missoula County Commission**

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

**BitterRoot Bus Primary Point of Contact:**

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Email

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/Town      \_\_\_\_\_  
Zip Code

**Ravalli County Commission**

*[Signature]*  
Name  
Ravalli County Commissioner, Chair  
Title

## Appendix A: Consortium Governance Structure

The Western Montana Transportation Consortium represents transportation partners in Lake, Missoula and Ravalli County. The Consortium will include members from transportation and county commissions. The purpose of the Consortium will be to oversee the development of a regional transportation coordination plan that weaves together existing plans and strategies throughout the region to foster maximization of limited transportation resources through a regional vision that identifies implementable coordination projects and actions. The Initiative will include public outreach and involvement throughout.

The Consortium's work is funded by individual 5311 grants, local match and various fundraising events and in-kind contributions to support the project.

### Overview of Consortium Governance

The full Consortium will convene joint bi-annual meetings with affected county commissioners and consortium board members. Consortium meetings will be held at least quarterly.

The Consortium will be led by the Executive Directors of partner agencies, which will be responsible for prioritizing work activities, approving public involvement approaches, and making critical recommendations to guide the project and staff.

Ensuring equity is a critical priority in this project. Each consortium agency will continue to maintain separate financial accounts and will receive electronic MDT quarterly reimbursement deposits into the account.

The Steering Committee will meet bi-monthly. The Steering Committee shall form subject-specific subcommittees as needed to work on tasks with staff when action or a decision is needed between meetings.

The Steering Committee will be made up of members appointed by the following process:

- Missoula Ravalli TMA will have one seat, represented by the Executive Director or appointed by MRTMA Governing Board.
- Lake County Council on Aging will have one seat, represented by the Executive Director or appointed by LCCOA Governing Board.
- BitterRoot Bus will have one seat, represented by the Executive Director or appointed by BitterRoot Governing Board.
- The County Commissioners of each County will each appoint 1 member to represent the region's member governments, with membership distributed across the region's geography and from communities of varying sizes (rural, suburban, and urban), for a total of 3 members, one from each county.

Missoula Ravalli TMA will staff and facilitate the administrative work of the Transportation Consortium. Lake County COA and BitterRoot Bus will staff and facilitate scheduling/dispatching of transportation services and facilitate reporting requirements in their respective counties.

discussed &  
edited 1/31/13  
By BCC.

## VICIOUS DOG ORDINANCE

### VICIOUS DOG PROTECTION AND CONTROL

#### SECTION:

- 1-1-1: Scope and Purpose
- 1-1-2: Duty
- 1-1-3: Definitions
- 1-1-4: Animal Control Officers
- 1-1-5: Impoundment
- 1-1-6: Redemption of Impounded
- 1-1-7: Presumption of Abandonment
- 1-1-8: Rabies Vaccination Required
- 1-1-9: Cruelty to Animals
- 1-1-10: Vicious Dogs
- 1-1-11: Quarantine
- 1-1-12: Dogs Harassing Livestock
- 1-1-13: Penalties
- 1-1-14: Disposition of Funds

#### 1-1-1: SCOPE AND PURPOSE:

**A. PURPOSES:** This Ordinance is intended to promote the public health, safety and general welfare of the inhabitants of the County.

**B. AUTHORITY:** This Ordinance is adopted under Title 7, Chapter 23, Part 21, MCA, as well as under the County's general police power to maintain public health and safety.

**C. CONTROL OF VICIOUS DOGS:** This Ordinance is designed to control vicious dogs and the use of confinement and quarantine as means of control and protection.

**D. LAW ENFORCEMENT DOGS:** Dogs engaged in law enforcement duties by a public law enforcement agency and by a sworn law enforcement officer are not subject to this Ordinance.

**E. ORDINANCE DOES NOT ABSOLVE OWNERS OF OTHER LIABILITY:** This Ordinance is not to be construed as absolving an animal owner of civil or criminal liability for the acts of his or her animal. The provisions of this Ordinance do not displace any other potential criminal action or displace a private civil action.

#### 1-1-2: DUTY:

It shall be the duty of every owner of any dog or anyone having any dog in his or her possession to exercise reasonable care and

to take all necessary steps and precautions to protect other people, their property and animals from injuries or damage that might result from such dog's behavior.

**1-1-3: DEFINITIONS:**

**A. ANIMAL:** "Animal" means nonhuman species, including all livestock, pets, and wild animals.

**B. ANIMAL CONTROL OFFICER:** "Animal Control Officer" means any sworn law enforcement officer as well as an animal control officer designated by the County.

**C. BITE:** "Bite" means a wound, bruise, laceration or puncture inflicted on a person or animal by the teeth of a dog.

**D. BUSINESS DAY:** "Business Day" means a day that the individual business or governmental agency, as the context requires, is actually open to the public.

**E. DESIGNATED FACILITY:** "Designated Facility" means a facility designed to hold house animals designated by the BCC for purposes of this Ordinance.

**F.**

**G. DOG:** "Dog" means any member of *Canis familiaris* or any other combination of *Canis familiaris* and other *Canis* species, including, but not limited to, so called wolf-dog or coyote-dog crosses.

**H. HARASS:** "Harass" means to worry, chase, or run after livestock in a manner that may lead to subsequent injury to the livestock.

**I. IMPOUND:** "Impound" means the taking of a dog or other pet into the County's custody or into the custody of a facility designated by the County.

**J. LEASH:** "Leash" means any flexible lead, including nylon leashes, cords, ropes, light chains or other similar device of suitable strength to restrain or control a dog to which attached.

**LIVESTOCK:** "Livestock" means domesticated poultry (including but not limited to chickens, turkeys, ducks, geese, guinea fowl, pigeons, and pheasants, § 81-2-702, MCA), cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine, ostriches, rheas, emus, rabbits, goats, "alternative livestock" as defined in § 87-4-406, MCA.

**OWNER:** "Owner" means any person harboring, keeping or having control or custody of an animal, or any person having any right or ownership in the animal

**K. QUARANTINE:** "Quarantine" means to confine an animal in strict isolation inside a building, cage, pen or other enclosure, so that contact between the confined animal and any person or any other animal is not possible.

**L. RABIES VACCINATION:** "Rabies vaccination" means the inoculation of an animal with anti-rabies vaccine administered under the supervision of a licensed veterinarian, in accordance with the current edition of the "Compendium of Animal Rabies Control", published by the National Association of State Public Health Veterinarians, Inc.

**M. VICIOUS DOG:** Subject to the following exceptions listed below, "vicious dog" means any dog that bites or attempts to bite any human being without provocation or that harasses, chases, bites, or attempts to bite any other animal. (§ 7-23-2109, MCA.) A dog may be temporarily determined to be vicious by the animal control officer if there is reason to believe a dog is in violation of this ordinance, but shall be determined to permanently vicious by a judge ruling. A vicious dog label will be removed after confinement and/or quarantine periods have been met and all associated fines and fees have been paid.

**N. VICIOUS DOG, EXCEPTIONS:** A dog shall not be deemed vicious if any of the following applies:

1. The dog bites, attacks or menaces a person or animal that (a) assaults the owner; (b) trespasses on the property of the owner; or (c) is in the act of tormenting or abusing the dog or its offspring.
2. The dog is otherwise acting in defense of an attack by a person or other animal upon the owner or other person.
3. The dog is a law enforcement dog following the lawful direction of a sworn law enforcement officer.

**O. WILD ANIMAL:** "Wild animal" means any animal that is wild by nature and is not commonly domesticated, and being kept as a pet or livestock.

**1-1-4: ANIMAL CONTROL OFFICERS:**

Any Animal Control Officer may enforce the provisions of this

Ordinance and is delegated the power and authority as may be required and incident to implement and enforce this Ordinance.

**1-1-5: IMPOUNDMENT:**

**A. POWER TO IMPOUND:** An Animal Control Officer may impound any vicious dog kept or handled in violation of this ordinance.

**B. IMPOUNDED:** If a vicious dog is impounded, the vicious dog shall be taken to a designated facility at the owner's expense.

**1-1-6: REDEMPTION OF IMPOUNDED:**

**A. PROCEDURE:** The owner of any impounded vicious dog may redeem the vicious dog according to the policies and fees of the designated facility.

**B. COUNTY FEES FOR REDEEMING IMPOUNDED:** The County may assess impound fees in addition to fees charged by a designated facility.

**1-1-7: PRESUMPTION OF ABANDONMENT:**

Any vicious dog impounded for more than ten business days and does not have claimed ownership shall conclusively be considered legally abandoned by the vicious dog's owner and ownership of that vicious dog may be transferred to the County or its agent may take any action regarding the vicious dog, including euthanasia.

**1-1-8: RABIES VACCINATION REQUIRED:**

**A. VACCINATION REQUIRED:** Except for licensed veterinarian facilities, a Humane Society facility, and the County animal shelter (if applicable), it shall be a violation of this Ordinance to keep, harbor, or maintain any dog over the age of four (4) months without a current rabies vaccination.

**B. RECORD KEEPING:** Record of rabies vaccinations shall be kept by all licensed veterinarians administering the rabies vaccines.

**1-1-9: VICIOUS DOGS:**

**A. VICIOUS DOGS RESTRICTED:** A person may not keep, harbor, or maintain any vicious dog in the County unless the dog is secured in one of the following ways:

1. The dog is securely and adequately confined upon the property of the owner or other person having charge, care, or control of such dog so as not to injure any person or damage any property, or be a hazard to public health and safety.

2. The dog is properly restrained and leashed on a line not to exceed six feet (6') in length, properly muzzled, and under the immediate control of a person of suitable age and capacity to control, subdue, and restrain such dog.

**1-1-10: QUARANTINE:**

**VACCINATION STATUS:** An Animal Control Officer shall attempt to ascertain the rabies vaccination status of any vicious dog.

**DOGS WITHOUT PROOF OF VACCINATION:** If an Animal Control Officer believes that a vicious dog that has bitten or caused physical harm to a person has no proof of current rabies vaccination, the dog shall be quarantined for a period of at least 10 days from the date of the bite or harm, or for a longer period if determined to be appropriate by the Animal Control Officer. After the quarantine period, the dog shall be examined by a licensed veterinarian and vaccinated unless conclusive proof of current vaccination is provided, both at the owner's expense. A record of the veterinarian exam and vaccination shall be provided to the Animal Control Officer and to the County Public Health Department. If the veterinarian determines that the dog shows no evidence of rabies during the quarantine period, the dog shall be released. If a veterinarian determines that a quarantined dog displays signs of rabies, the veterinarian shall determine the appropriate course of action, which may range from an extended quarantine period to euthanasia.

**A. DOGS WITH PROOF OF VACCINATION:**

1. If an Animal Control Officer believes a vicious dog that has bitten a person shows no signs of rabies, and there is proof the dog has current rabies vaccination, the dog shall be confined at home and the owner shall observe the dog for clinical signs of illness daily for at least ten (10) days.

**B. NO IMMUNIZATION DURING QUARANTINE:** No immunizations for rabies may be administered to a quarantined dog during the quarantine period.

**C. EUTHANASIA OR QUARANTINE OF UNVACCINATED DOGS EXPOSED TO A**

**RABID ANIMAL:** Unvaccinated dogs exposed to a rabid animal should be euthanized. If the owner is unwilling to have this done, an Animal Control Officer may order that the animal be quarantined for six (6) months and vaccinated one month before being released at the owners expense, as recommended in the "Compendium Of Animal Rabies Prevention And Control," 2006.

**1-1-11: PENALTIES:**

Except as otherwise provided herein, violation of any section of this Ordinance shall constitute a misdemeanor punishable by a minimum fine of fifty dollars (\$50.00) and not to exceed a maximum fine of five hundred dollars (\$500.00).

**1-1-12: DISPOSITION OF FUNDS:**

All fines, fees or funds in general derived from the enforcement of this Ordinance [chapter] shall be paid into the County Treasury and designated as the Ravalli County Animal Protection fund. This does not include any amounts required to be paid to Ravalli County Justice Court under State law.