

COMMISSIONERS APPROVAL

KANENWISHER 

FOSS

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Matt Kanenwisher, Commissioner Suzy Foss, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....January 17, 2012

▶ Minutes: Glenda Wiles

▶ The Board met at 9:00 a.m. to interview Al Anderson for the Board of Health.

▶ The Board met at 9:15 a.m. for various administrative issues as follows. Present was Environmental Health Director Lea Guthrie and PHN Emergency Preparedness Coordinator Sarah Seltzer.

- **Commissioner Stoltz made a motion to approve Modification #4 to Contract #510038 which amends the original contract through June 30, 2012 for Public Water Supply. Commissioner Iman seconded the motion and all voted "aye". (4-0)**
- **Commissioner Foss made a motion to approve DEQ Contract #212042 which is for the services and supplies for Radon. Commissioner Iman seconded the motion and all voted "aye". (4-0)**
- **Commissioner Iman made a motion to approve the Memorandum of Understanding between the Rocky Mountain Lab and Ravalli County for purposes of storage; and the Memorandum of Understanding between Hamilton School District #3 and Ravalli County for the use of facilities. Commissioner Foss seconded the motion and all voted "aye". (4-0)**
- Commissioner Reports: Commissioner Iman gave a report on the Park Board in regard to minutes. Commissioner Kanenwisher gave an update on the Board of Health referencing the issue of the Family Planning Grant.

▶ The Board met at 9:25 a.m. with Human Resource Director Robert Jenni for an update.

▶ The Board met at 9:45 a.m. with Treasurer Marie Keeton for an update.

► The Board met at 10:10 a.m. with Chief Financial Officer Klarryse Murphy for an update, review and approval of the 2012 Crisis Intervention/Jail Diversion project between Montana Department of Public Health and Human Services and Ravalli County. It is noted this contract is a result of House Bill No. 130 in the amount of \$63,356.00. **Commissioner Iman made a motion to execute this Contract (#12-331-74072-0) with Chair signature. Commissioner Stoltz seconded all voted "aye". (4-0)**

► The Board met at 1:10 p.m. to have a discussion and decision on the procedure for keeping and adopting minutes and public meeting procedures.

Commissioner Kanenwisher presented a Guide and Template for Minutes as well as a Process Policy for all Public Meetings for discussion (see attachment).

Michael Howell addressed allowing the public the ability to make a full comment and not be interrupted by the Commissioners.

Lee Tickell addressed the public's ability to have a draft of items being discussed as well as the beneficial use of WebEx.

Bill LaCroix addressed public comment during the inter-governmental meeting and the necessity to follow the law.

It was agreed that Commissioner Kanenwisher will add some of the changes today to this draft document for further discussion and although the guide and template for minutes has not been formally approved, Glenda will start utilizing the new minute template starting January 18, 2012.

► Commissioner Kanenwisher and Commissioner Stoltz attended a Strategic Economic Planning meeting at 3:00 p.m.

I. **Process policy for most public meetings**

- 1) **Open** and introduce meeting topic and presenter and describe meeting process
- 2) **Presentation** - comm., staff, agency, or company makes presentation
- 3) **Questions** – members of the board, after being recognized by the chair, will ask questions of the presenter. That member will continue to ask questions, then another member will be recognized for questions. Members will refrain from making an argument to the presenter or other members of the board during this period.
- 4) **Board Discussion** - commissioners discuss merits of proposal and must identify possible actions or motions. If issue or question boils down to a simple up or down vote then a motion may be appropriate at this time.
- 5) **Public comments** –
 - (a) The chair will poll the public to determine how many wish to speak and designate time for comment as well as time for each individual comment if necessary
 - (b) If a time for individual comment is established, the time will be kept and when the time is up the speaker will be given no more than 5 to 10 seconds to complete their statement. When time is established, the chair will enforce the time limit.
 - (c) Members of the public will only speak when at the podium or microphone. Comments will be directed to the chair or the board as a whole. Participants will physically face the board, content and context should address the board. Accommodations will be made for citizens who may have difficulty moving to the designated area.
 - (d) Public comment is not appropriately a question and answer period. The chair and members of the board may keep track of any questions asked and may address them at a later point. The public will not be allowed to question staff, presenter, or board.
 - (e) The ability for public to comment and have input on actions of the board or policy development is paramount. This input and comment may take place over several meetings.
 - (f) Any written public comment received at the time of the meeting will be attached to the minutes. Written comment is encouraged at all times. If a member of the public wishes to get a specific point, objection, or argument on the record they are encouraged to offer written comment as the minutes are not comprehensive and not intended to reflect statements verbatim.
- 6) **Board Discussion and decision** - commissioners discuss and make motions by the following process:

- (a) Discussion will proceed around the board table, every commissioner with opportunity to speak before any commissioner speaks a second or subsequent time. Discussion will continue until each commissioner is finished.
 - (b) If a commissioner wishes to ask the agency, staff, presenter, or a member of the public a question, the member of the public or presenter may answer only the question posed to them, public comment is not reopened.
 - (c) Board members should refrain from making conversational comments back and forth with presenters or members of the public in order to maintain clear delineation of presentation, public comment, and board discussion periods.
 - (d) Motions and votes will take place per rules of order established by this board. Multiple motions or parts of motions may occur. Public comment will not be reopened. Any subject so substantially different or unrelated to issues discussed to this point will necessarily require a noticed meeting.
- 7) **Further actions** – If issue is part of general meeting agenda, the issue will be closed and the next item on the agenda will be addressed. At the close of every meeting (not every issue) the board will entertain items not otherwise on the agenda.

II. Other types of meetings –

- 1) **Administrative** – These meetings collect several different administrative items together in order to dispense with day to day operations requirement in an efficient manner. Administrative items include contracts which are renewed periodically and/or which have been sufficiently discussed and decided previously, items which are a function of the BCC's human resources supervisory role, grant extensions, and others which don't commit funds not previously budgeted. All items for administrative meetings will appear on the agenda. Board members may ask for administrative items to be separated from the list. At times, urgent or time-sensitive items may occasionally arise, these items will be clearly described on the minutes and executed as an action of board as a whole.
- 2) **Inter-governmental and intra-governmental meetings** – Inter-governmental and intra-governmental meetings are often multi-faceted and may not allow continuous public comment during the meeting.
 - (a) In the case of an intra-governmental meeting, an ongoing conversation with a county department or employee may occur with multiple items discussed and resolved. Public comment may be taken at the conclusion of the meeting but will not be taken on every individual item which is discussed.

- (b) State and federal agencies often make reports to the board. These meetings maintain an avenue of communication between the two entities and relay large amounts of information quickly. Each entity has its own process for communicating with the public, therefore the board meeting is not appropriately used for the public to communicate with the state or federal agency and all communication will be directed to the chair as noted within this policy.
 - (c) County policies and procedures will be developed through the public process, offering sufficient opportunity for public comment and input. The public comment process may take place over a period of time and several meetings. Most often, the execution of such policies is a process or procedure defined by the policy. But occasionally the execution of a policy may be an intra-governmental meeting. This meeting is held to implement the policy previously developed through the public process and is not an extension of the process. ? (need to define difference between public comment on action and public comment on policy) Consequently, the public may observe the intra-governmental meeting which executes the publicly developed policy. The absence of a public comment period in such a meeting is not a restriction on public involvement; rather, that absence recognizes and respects the public process which has already occurred. Written public comment will be received at any time.
- 3) **Working session meetings** – A working session meeting are designed and may be used to actively review a draft of a policy, procedure, resolution, or set of regulations. Typically, a board member or staff will direct the conversation through the proposed draft, making amendments in the process as needed. At the beginning of such a meeting the chair will define which entities will be speaking during the meeting, breakdown format for adopting amendments and final approval, and periods of public comment.
- 4) **Public Hearings** – Public hearings will be conducted per rules for public meetings with the following exceptions:
- a) Public hearings will include a pledge,
 - b) statement of dates of publication, and
 - c) disclosure of conflicts of interest.
 - d) Public hearings may also require multiple public comment periods, multiple presentations, and other modifications of the process (as in subdivision review) as determined by the chair. The process of each public hearing will

be described at the start of each hearing. However, care will be given to maintain order, access, and decorum.

III. Proposed Rules of order for Ravalli County BCC

The following processes and procedures will be observed with the recognized motions below, all motions require a second, are debatable and require a majority vote unless noted:

1. **To introduce a motion** – This is a motion to take an action. (I move to do...)
2. **Motion to amend** – This motion may be made by any member while the subject motion is on the table. Amendment motion may include dividing a question. Motion to amend is a separate action and will be acted upon separately from the motion to adopt the subject motion. The maker of a motion may amend his or her own motion at any time with the consent of the second, if the second does not consent then the motion stands as originally stated. The maker of a motion may withdraw the motion as long as it has not been amended or voted upon.
3. **Motion to adopt** – to accept a report (or adopt as amended). Most often used for contracts or other documents presented to the board for action.
4. **Motion to reconsider** – Only a member who voted on the prevailing side may move to reconsider. This requires a second, is only debatable if the original motion is debatable, and requires a majority. (statutory requirement?)
5. **Call the question** – This motion calls to end debate and vote on the motion at hand. This requires a second, is not debatable, and requires a majority vote
6. **Postpone indefinitely** - Motion postpones issue with no date certain.
7. **Postpone definitely or continue** – Individual motion or entire issue postponed till stated date or time. This may be used to continue a public hearing till a later date or time.
8. **Motions by the public** – The public are not members of the board and may not make motions. Specifically, a “point of order” is specifically disallowed. (significant objection to this item – why can’t the public raise question of violation of adopted rules?)

IV. Actions, responsibilities, and rulings available to the chair:

1. The chair may recess the meeting for the purposes of maintaining order or providing break for meeting participants

2. The chair will keep order according to the adopted rules and enforce that order through the following:
 - (a) members of the board may be ruled out of order for failing to adhere to the established rules and processes
 - (b) members of the public are expected to adhere to established procedures and may be ruled out of order
 - (c) If a member of the public is out of order, the member of the public will be informed of the relevant rule and asked to comply. If the citizen continues to violate the rules or direction of the chair, the chair may direct the citizen to discontinue the public comment with no further direction. If the citizen continues to disrupt the meeting, the chair may ask the citizen to leave the meeting or be removed per statute.
3. The chair may ask the maker of a motion to restate motion to consolidate ideas into clear, singular, actionable items
4. The chair will ensure that each member of the board is offered the opportunity to be heard. The people of Ravalli County have elected the members to represent their interests, therefore failing to ensure that each representative is heard may be seen as a failure to uphold the electoral process.
5. The chair will ensure that the public has opportunity to comment on public business and that the statutory obligations of public involvement and open meetings are met.

V. Other items, notes, and procedures –

Deference to the process should be exhibited at all times to preserve the integrity of the public process and with regard to the office which we hold.

The maker of a motion will be afforded the first opportunity to speak on his/her motion after the motion is seconded. Therefore members will make motions which contain only those statements which are to be included in the motion. For example, "I move to because I think that..." is an inappropriate motion. It is often helpful to jot down the skeleton of a longer motion in order to avoid rambling. Additionally, motions must be affirmative in nature. This is because a failed negative motion does not necessitate positive action. In other words, it is not appropriately moved "not to do" a thing.

Board members should avoid addressing staff or the public in a conversational manner to maintain the integrity of the meeting process. Board members are encouraged to avoid interrupting another board member and wait for the rest of the board to address the issue before speaking again. Most often conversation will proceed sequentially around the table to ensure equal opportunity for all members.

DRAFT

Guide and template for minutes:

Record presence of commissioners, staff of departments presenting information as part of the agenda item, staff of any agency or company presenting information as part of the agenda item.

Record time of meeting called to order

Record themes of presentation made by commissioner, staff, or agency. If document or electronic version available, attach document to minutes and refer to them in whole.

Example: The planning department presented power point (attached) which discussed the process for adopting a new flood plain map. Planner Bob discussed obstacles such as public notice and misperception.

Record themes of commissioner discussion and possible action items or motions.

Example: Commissioners discussed possible solutions or plans for implementation such as the number of public notices and timing. Discussion developed to include possible planning processes for future developments when received from DEQ. The commissioners noted options are to adopt process as presented, enter into development process to plan alternative process, or take no action.

Record name of Public commenter and brief synopsis of comments if possible.

Example: Bob Johnson spoke in support of project

Example: Bob Johnson commented that he believes the meeting was improperly noticed

Example: Bob Johnson commented that he is opposed because he believes the board is wasting its time

Record findings and motions, seconds, and votes

Example: BCC finds that the meeting was noticed properly

Example: Comm. Chilcott finds that the planning department has done their due diligence, the process is consistent with DNRC guidelines, and supports a motion to approve process as presented

Example: Commissioner Kanenwisher finds that no statutory obligation exists to adopt

Example: Comm. Foss moved:

Comm. Stoltz seconded the motion, motion passed 4-1 with Comm. Iman dissenting

Items not otherwise on the agenda

Joe Public requested agenda item on sock puppet safety