

COMMISSIONERS APPROVAL

FOSS 

CHILCOTT 

IMAN 

STOLTZ 

BURROWS 

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

Date.....November 21, 2012

► Minutes: Glenda Wiles

► The Board met at 9:05 a.m. to continue their discussion of the draft for the Open Meeting Policy for the Commissioners. (See attached). It was noted Glenda made changes on the web and the daily calendar to reiterate the regular and flow meetings for certain days of the week. Discussion included the closed door meetings and notice according to Montana Law.

**Commissioner Stoltz made a motion to adopt these changes as presented this date.**

**Commissioner Iman seconded the motion.** Present now was Deputy County Attorney Howard Recht who discussed Montana Law and case law regarding privacy interests of personnel and litigation as it relates to the public notice/Commissioners Calendar. Attorney Recht noted personnel issues are on a case by case basis and each will need to be reviewed in regard to their explanation of subject matter on the calendar. The Commissioners can adopt this as a policy, a resolution or an ordinance and the adoption should be noticed on next week's calendar.

**Commissioner Stoltz withdrew his motion. Commissioner Iman withdrew the second.**

**Commissioner Chilcott made a motion to schedule a meeting on Tuesday, November 27 at 11:00 a.m. to adopt a resolution based upon the draft as discussed today and to vacate Resolution No. 1372. Commissioner Iman seconded the motion.**

Public comment: Bitterroot Start Publisher Michael Howell presented some written suggestions for the open meeting, public notice policy and closed door meetings (see attached).

Bill Menager did not think any departments or names should be listed on the agenda for personnel matters. In regard to the litigation, more information could be placed on the calendar, including the name as long as it does not compromise the court case.

**All voted "aye". (5-0)**

► The Board met at 10:10 a.m. to discuss and make a decision on any amendments to the draft last discussed on November 8th and November 16th for the Natural Resource Policy by manner

of Resolution. Present was Planning Administrator Terry Nelson and Deputy County Attorney Howard Recht.

Terry indicated just prior to the proposed adoption on November 8th there was a public comment from the Bitterroot Land Trust in regard to changes on page 14 under:

Refuges and Wetlands Protection Areas. That correction could be to delete the words 'for wetland protection areas' in Ravalli County.

Terry also noted John Ormiston has submitted some concerns and potential changes by way of email.

John Ormiston indicated the conservation easements are private transactions simply recorded by the county, unless those easements are under the Open Lands Bond. Thus he does not see why the Commissioners could be involved in that transaction. He suggested the Goal for Refuges and Wetlands Protection Areas on Page 14 be changed to reflect that. Attorney Recht suggested the language read 'conservation easements under the county jurisdiction'. However he is comfortable leaving the language under Goal as is.

Nancy Ballance stated the goal is to be involved at any 'opportunity' the county has.

Terry addressed John's proposed changes as follows:

Page 4: first paragraph under Ravalli County to change the 76% to 78% due to the conservation easements. It was agreed to change the language to 'Currently more than 3/4' of the land and to delete approximately 76%.

Page 29 under Appendix G under Animal Control, John asked to remove the predatory animals such as a Grizzly Bear and Muskrats. John stated Grizzly Bears are not residents of the Bitterroot Valley. Commissioner Foss stated citizens on Ambrose Creek have run into Grizzly Bears.

Page 30 under Same Appendix: John asked to remove Wolves from the federal protection under the Endangered Species Act. It was concurred they would remove Wolves but to add Wolves in the second sentence with the other animals that are currently controlled by state law.

Nancy Ballance also addressed some typographical errors for correction.

Vito Ciliberto stated he met Attorney Gerber from Nevada who deals with animals that are damaged and killed by the fires. Vito also addressed the 'DNRC Best Practices' for land use and suggested Terry make a copy of it as it has good information in it.

**Commissioner Chilcott made a motion to adopt Resolution No. 2978 which adopts the Ravalli County Natural Resource Use Policy with the corrections and changes approved today. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**

► The Board met at 10:40 a.m. for a discussion and decision on health insurance benefits for 2013. Present was Human Resource Director Robert Jenni, Western States Insurance Representative Christa LeCoure and numerous employees. Robert noted JPIA (Joint Powers Insurance) has not provided a quote to the County. He noted they do have comparable rates, but

they require a three year membership with potential rate increases due to their assessments throughout the claim year. If the county withdraws from the trust before the three years are up, the county would need to bring the claims payment to zero, which could be quite costly.

Robert noted there are 152 employees on insurance and 102 employees responded to the survey (as attached). After reviewing survey and rates for the insurance, Robert suggested the Commissioners go with Blue Cross/Blue Shield tiered rates with the options of: 500/1000; HSA 3500; HSA 5,950. Depending upon the enrollment (those who opt out and take the cash in lieu), Blue Cross may have to look at the rates again as the rates are based upon the number of enrolled employees. In regard to composite rates the cost would increase dramatically, i.e., for a two party 2000/4000 deductible the employee cost would be an additional \$613.00.

**Public Comment:**

Glenda Wiles stated she understands the complexity of the insurance issues, and the ability of an insurance company being able to bid the insurance in the month of October. She knows the importance of funding insurance policies for the employees, and most importantly she appreciates the fact that many citizens who cannot afford health insurance are purchasing her insurance as a county employee with their tax dollars. That being said she is disappointed the employee committee that was established last December by the Commissioners was never called together to meet. Even if the results were still the same, at least the employees would have had time to research the issues, understand them and be prepared for the changes which includes their budgets as well. That research and communication would have also given the employees a sense of 'buy in' to what is happening with the employee and family insurance coverage. Being proactive is the key word in her mind.

Commissioner Burrows asked why the county does not give the employees the money budgeted and allow them to purchase their own insurance. Answers to that question were included in a discussion of the responsibility of the county to provide the insurance, and the upcoming health care reform for 2013/2014 where tax penalties will be imposed on the county for not purchasing the policies. The Board confirmed the committee should have met, and agreed this year a committee of employees with the help and direction of the Human Resource Director should meet, particularly with the new changes coming down the pike.

Jennifer Ray stated it only takes one illness or accident that creates a economic crisis for a family. She agrees with Glenda, noting that right now hardly any employees understand all the components to this insurance issue and a committee meeting and discussion of the issues throughout the year will be helpful. She stated it is also important to educate people on what drives rates up, i.e., health care visits etc. She asked if the HSA/HRA accounts can pay for health club dues. The answer was no unless a Doctor prescribes the health club.

Commissioner Chilcott noted Christa LeCoure agrees a committee would be helpful and he agrees. He stated it is incumbent upon the Human Resource Director and the Commissioners to start a committee for the upcoming 2013 year. He believes Robert's suggestion on taking the Blue Cross/Blue Shield Insurance (T-1; T-2 and T-3) are well founded through his research. While he likes the composite rate for the families, he does not see how the county can provide

that this year with their budget constraints. **Commissioner Chilcott made a motion to utilize Blue Cross/Blue Shield of Montana with the three Tiered Rates (T-1 \$500/1000; T-2 \$3500 and T-3 \$5950. Commissioner Stoltz seconded the motion and all voted "aye". (5-0)**

Commissioner Foss advised Robert to work with Jennifer Ray and Glenda Wiles in order to set up a committee. Christa stated once the committee is formed, there is information that can be disseminated to the county employees and their families which include wellness, stress management, and being wise consumers of health services available.

Commissioner Iman suggested Robert send out a monthly information letter that helps employees understand what benefits we have and what is coming up in regard to the health care reform.

Citizen Michael Howell asked about certain benefits the county offers such as the health club memberships. Commissioner Chilcott stated the membership rates for health clubs are preferential rates due to the number of county employees and can be deducted through employee paychecks. Jennifer stated that is a good example of information the employees don't know about.

from Michael  
Howell  
11/21

## Suggestions for closed door policies

The County Commissioners are allowed to close a public meeting for discussion of legal strategy or in matters where an individual's right to privacy clearly outweighs the public's right to know.

It shall be the policy of the Ravalli County Commissioners, when placing notice of a meeting that may involve such closure, to indicate whether it would be for litigation reasons or personnel issues.

In the case of litigation strategy discussions the agenda shall include the specific litigation under consideration and whether it is litigation initiated by the county and against a private individual or litigation initiated by a private individual against the county.

In the case of personnel issues, the agenda shall identify the Department and the job description of the person involved., and the person's name (unless there is some demonstrable privacy interest in requiring that the name be withheld) . The notice shall include a statement identifying the issues under consideration.

**PRIOR TO CLOSING ANY MEETING FOR REASONS OF PRIVACY** the presiding officer shall determine that the demands of individual privacy clearly exceed the merits of public disclosure by developing a record that fleshes out all pertinent facts upon which the decision is based in order to facilitate judicial review. That determination shall include (but is not limited to) considering

1 whether the employee would be attending the meeting and whether the employee had or had not waived his or her privacy rights with respect to the meeting.

2 whether the employee had previously waived his or her privacy rights in connection with the underlying dispute

3 whether the employee had an actual or objectively reasonable expectation of privacy

4 whether the meeting involves the actions of a public officer or employee in the scope of his or her employment while occupying a position of public trust

5 whether the subject of the meeting is personal in nature or related to the employee's position of public trust

6 whether there are policy considerations making any actual expectation of privacy reasonable

7 whether the employee had an actual and reasonable expectation of privacy with respect to his name.

Although the presiding officer may decide, after balancing the privacy rights against the right of public disclosure, that some issues qualify for consideration behind closed doors, no decisions may be made outside of an open meetings. Following any closed door session the commissioners shall reconvene the open meeting and shall discuss and allow public participation prior to making any decision or taking any action with regard to the closed door discussions.

from Michael  
Howell 11/21

## Suggestion for open meeting and public notice policy

**WHERE NOTICE POSTED:** It shall be the policy of Ravalli County Commissioners to post a copy of its public notice agenda on the bulletin board on the third floor of the Ravalli County Administrative Center and make it available either by telephone, fax or e-mail to the news media, and post it on the county's website.

If the phone lines, fax machine, and internet are mis-functioning or non-functional, it shall be sufficient to simply post a copy on the bulletin board.

**Comment-** I used the template provided by the Local Government Study Center at Montana State University to compose this policy statement. I believe it addresses the concerns that a few commissioners expressed at the last meeting.

Commissioner Iman was concerned about committing the county to actions that are not under its control, such as guaranteeing publication in the press. This policy merely requires that it be "made available" to the news media by any of a variety of means.

Commissioner Stoltz expressed concern that the government could be shut down for the week if there was a failure of power. This policy provides for an exception in the case that the news media cannot be notified due to technical problems.

I believe this policy changes nothing in the current practices of the commission which regularly include all of the above actions for posting the agenda. It simply memorializes the county's current practices in written form.

## CHAPTER 2

## MEETINGS AND OPEN GOVERNMENT

## SECTION:

- 2-2-1: Scope and Purpose
- 2-2-2: Definitions
- 2-2-3: Notice
- 2-2-4: Creation of Agenda
- 2-2-5: Regular and Special Meetings
- 2-2-6: Opportunity for Public Participation
- 2-2-7: BCC to Consider Data and Comments Submitted by the Public
- 2-2-8: Public to Have Comment on Matters not on Agenda
- 2-2-9: Penalty

draft ok'd  
w/ edit  
Cleanup  
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put on cal  
w/ Resolution  
Nov 27<sup>th</sup>

## 2-2-1: SCOPE AND PURPOSE:

Section 2-3-103(1), MCA, requires the BCC to develop procedures for permitting and encouraging public participation in decisions of the BCC that are Matters of Significant Interest to the Public and to allow public comment on public matters over which the BCC has jurisdiction. (Res. 1372, 1/13/2004)

## 2-2-2: DEFINITIONS

- A. "Matters of Significant Interest to the Public" means all matters except those involving a mere ministerial act.
- B. "Meeting" means the convening of a quorum of the BCC, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power. (§ 2-3-202, MCA.)
- C. "Ministerial Act" means an act performed pursuant to legal authority and requiring no exercise of judgment. 47 Mont. Op. No. 13 Atty. Gen. at 5. "Jones v. Missoula County, 2006 MT 2 ¶ 16.

## 2-2-3: NOTICE:

- A. NOTICE TO BE PROVIDED: Notice shall be provided of any non-ministerial decision or action of the BCC that has meaning to or affects a portion of the community unless an exception applies. Unless an exception applies, notice shall be provided for every meeting of a quorum of BCC members.
- B. WHERE NOTICE POSTED: Notice will be posted on the bulletin board on the third floor of the Ravalli County Administrative Center. Supplemental notice may be posted at additional public places, electronically mailed or otherwise provided to local media, and published on the County's website.

C. 48 HOUR NOTICE: Notice shall be provided a minimum of 48 hours prior to the time scheduled.

D. SPECIFIC AGENDA TO BE POSTED: The BCC will post the agenda for each meeting of the BCC unless an exception applies. The agenda may be amended and re-posted, as needed, until up to 48 hours prior to the time scheduled.

E. STATUTORY NOTICE: Matters that require statutory notice by particular means (such as publication or posting) will be complied with as the particular statute requires. (Res. 1372, 1/13/2004)

F. EXCEPTIONS: No notice is required to be given in the following circumstances:

1. In the case of an emergency, when the time required to give notice will impact public health, welfare, or safety; such BCC actions made without notice shall be the minimum required to address the emergency.
2. When the decision involves no more than a purely Ministerial Act.

#### 2-2-4: CREATION OF AGENDA:

Specific agenda items shall be 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 BCC's jurisdiction," or by making an oral or written request directly to one of the Commissioners. (Res. 1372, 1/13/2004)

#### 2-2-5: REGULAR AND SPECIAL MEETINGS:

A. REGULAR MEETINGS: The BCC will hold regular meetings on days of the week established by resolution for the purpose of taking action on public matters within the BCC's jurisdiction. The office of the BCC is open for business from 9:00 a.m. until 5:00 p.m. on every business day, except that the BCC may periodically close the office or shorten its hours of operation for reasons including but not limited to emergencies, public or employee safety, weather, staffing, and holiday-related reduction of hours. (2012 Code; Res. 1372, 1/13/2004.)

B. SPECIAL MEETINGS: The BCC may hold special meetings as County business requires, with appropriate notice to the public.

C. OPEN TO THE PUBLIC: All meetings of the BCC are open to the public unless closed as allowed or required by statute.

~~D. NO QUORUM AVAILABLE: When a quorum of the BCC is not present, a regular meeting may be cancelled, and on such occasions as much advance notice will be given to the public as is practical.~~

~~(2012 Code, Res. 1372, 1/13/2004.)~~

2-2-6: OPPORTUNITY FOR PUBLIC PARTICIPATION:

A. OPPORTUNITY FOR PUBLIC INPUT PRIOR TO MEETINGS: Before taking action in public meetings on matters of significant public interest, 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 BCC.

B. OPPORTUNITY FOR PUBLIC INPUT DURING MEETINGS: Before taking action on public matters within the BCC's jurisdiction presented at the public comment portion of a 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 BCC. (Res. 1372, 1/13/2004)

D. BCC TO CONSIDER PUBLIC INPUT: Before taking action in a public meeting, the BCC shall consider relevant public data or comments.

2-2-7: PUBLIC INPUT FOR MATTERS CONSIDERED AT A PUBLIC HEARING:

For any matters addressed by a public hearing held by the BCC 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 BCC 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 BCC will not consider new information submitted or presented after the close of a public hearing, but will allow, at the BCC's 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 BCC 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 BCC 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.

(Res. 1372, 1/13/2004)

2-2-8: PUBLIC TO HAVE COMMENT ON MATTERS NOT ON AGENDA:

The agenda for each meeting of the BCC shall include an item

identified as "Comments on public matters, not otherwise on the agenda of the meeting, that is within the BCC's jurisdiction." The Chair or presiding officer of the BCC will provide reasonable time for any person to submit data or comments, either orally or in writing, on public matters within the BCC's jurisdiction. "Public matters" do not include contested cases and other adjudicative proceedings. (Res. 1372, 1/13/2004)

2-2-8: PENALTY [EFFECTIVE UPON ADOPTION OF A RAWALTI COUNTY CODE]:

The penalty provisions of this Code shall not apply to this chapter. (2012 Code.)

Glenda Wiles

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Oct 30<sup>?</sup>

**From:** Dan Browder  
**ent:** Thursday, October 18, 2012 1:04 PM  
**To:** Glenda Wiles; Howard Recht  
**Cc:** William Fulbright  
**Subject:** Open meetings/codification  
**Attachments:** 02-02 (fmr 01-06 open gov't) 10-18-12

Nov 21<sup>st</sup>  
Nov 27<sup>th</sup>

Hi Glenda,

Attached is a draft revision of resolution 1372 related to public participation. The changes are related to codification and to Judge Langton's ruling regarding the County's notice of meetings. Please schedule a BCC meeting to discuss.

Thanks!

## CHAPTER 2

## MEETINGS AND OPEN GOVERNMENT

## SECTION:

- 2-2-1: Scope and Purpose
- 2-2-2: Definitions
- 2-2-3: Notice
- 2-2-4: Creation of Agenda
- 2-2-5: Regular and Special Meetings
- 2-2-6: Opportunity for Public Participation
- 2-2-7: BCC to Consider Data and Comments Submitted by the Public
- 2-2-8: Public to Have Comment on Matters not on Agenda
- 2-2-9: Penalty

## 2-2-1: SCOPE AND PURPOSE:

Section 2-3-103(1), MCA, requires the BCC to develop procedures for permitting and encouraging public participation in decisions of the BCC that are Matters of Significant Interest to the public and to allow public comment on public matters over which the BCC has jurisdiction. (Res. 1372, 1/13/2004)

## 2-2-2: DEFINITIONS

- A. "Matters of Significant Interest to the Public" means all matters except those involving a mere ministerial act.
- B. "Ministerial Act" means an act performed pursuant to legal authority and requiring no exercise of judgment.

## 2-2-3: NOTICE:

- A. NOTICE TO BE PROVIDED: Unless an exception applies, notice shall be provided for every meeting of a quorum of BCC members.
- B. WHERE NOTICE POSTED: specifically identifying such matters on the main bulletin board on the third floor of the Ravalli County Administrative Center [website?].
- C. 48 HOUR NOTICE: Notice shall be provided a minimum of 48 hours prior to the time scheduled.
- D. SPECIFIC AGENDA TO BE POSTED: The BCC will post the agenda for each meeting of the BCC unless an exception applies. The agenda may be amended and re-posted, as needed, until up to 48 hours prior to the time scheduled.
- E. STATUTORY NOTICE: Matters that require statutory notice by particular means (such as publication or posting) will be complied with as the particular statute may requires. (Res. 1372, 1/13/2004)

F. EXCEPTIONS: No notice is required to be given in the following circumstances:

1. In the case of an emergency, when the time required to give notice will impact public health, welfare, or safety; such BCC actions made without notice shall be the minimum required to address the emergency.
2. When the decision involves no more than a purely Ministerial Act.

2-2-4: CREATION OF AGENDA:

Specific agenda items shall be 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 BCC's jurisdiction," or by making an oral or written request directly to one of the Commissioners. (Res. 1372, 1/13/2004)

2-2-5: REGULAR AND SPECIAL MEETINGS:

A. REGULAR MEETINGS: The BCC, for the purpose of conducting County business, will hold regular meetings on days of the week established by resolution 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 BCC's jurisdiction. The office of the BCC is open for business from 9:00 a.m. until 5:00 p.m. on every business day, except that the BCC may periodically close the office or shorten its hours of operation for reasons including but not limited to emergencies, public or employee safety, weather, staffing, and holiday-related reduction of hours. (2012 Code; Res. 1372, 1/13/2004.)

B. SPECIAL MEETINGS: The BCC may hold special meetings as County business requires, with appropriate notice to the public.

C. OPEN TO THE PUBLIC: All meetings of the BCC are open to the public unless closed as allowed or required provided by statute.

D. NO QUORUM AVAILABLE: On occasions when a quorum of the BCC is not available present, a regular meeting may be cancelled, and on such occasions as much advance notice will be given to the public as is practical. (2012 Code; Res. 1372, 1/13/2004.)

No notice will be given of routine matters or impromptu discussions with county employees, vendors, or other citizens. In addition to regular meetings, the BCC may hold special meetings as County business requires, with appropriate notice to the public. All meetings of the BCC are open to the public unless closed as provided by

~~statute. On occasions when a quorum of the BCC 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. (Res. 1372, 1/13/2004)~~

2-2-6: OPPORTUNITY FOR PUBLIC PARTICIPATION:

A. OPPORTUNITY FOR PUBLIC INPUT PRIOR TO MEETINGS: Before taking action in public meetings 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 BCC.

B. OPPORTUNITY FOR PUBLIC INPUT DURING MEETINGS: Before taking action on public matters within the BCC'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 BCC. (Res. 1372, 1/13/2004)

C. BCC TO CONSIDER PUBLIC INPUT: Before taking action in a public meeting, the BCC shall consider relevant public data or comments.

2-2-7: PUBLIC INPUT FOR MATTERS CONSIDERED AT A PUBLIC HEARING:

For any matters addressed by a public hearing held by the BCC 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 BCC 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 BCC will not consider new information submitted or presented after the close of a public hearing, but will allow, at the BCC's 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 BCC 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 BCC 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. (Res. 1372, 1/13/2004)

2-2-8: PUBLIC TO HAVE COMMENT ON MATTERS NOT ON AGENDA:

The agenda for each meeting of the BCC shall include an item identified as "Comments on public matters, not otherwise on the

agenda of the meeting, that is within the BCC's jurisdiction."  
The Chair or presiding officer of the BCC will provide reasonable  
time for any person to submit data or comments, either orally or  
in writing, on public matters within the BCC's jurisdiction.  
"Public matters" do not include contested cases and other  
adjudicative proceedings. (Res. 1372, 1/13/2004)

2-2-8: PENALTY [EFFECTIVE UPON ADOPTION OF A RAVALLI COUNTY  
CODE]:

The penalty provisions of this Code shall not apply to this  
chapter. (2012 Code.)

Adria B. Tyler

CLERK AND RECORDER BY: Remchristian

FEE: \$0.00

RESOLUTION NO. 1372

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

for Commissioner's Office

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 13<sup>th</sup> 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

Nedra P. Taylor  
Attest: Clerk & Recorder



# November 08, 2012

Thursday

November 2012

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December 2012

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

8	Thursday
7 am	Please Note: Thursday is a regular meeting day and meetings can flow one to the
8:00	
9:00	Possible Decision on the Natural Resource Policy
10:00	
11:00	Commissioner Iman to Human Resource Council meeting in Missoula
12 pm	
1:00	Monthly Safety Meeting for S.O. Committee
2:00	
3:00	Monthly Safety Meeting for Adm Committee
4:00	
5:00	
6:00	

Daily Task List

Arranged By: Due Date

Howard + BCC  
 Here are the changes I placed on Tues + Thurs to describe the flow days - This is the Outlook Calendar that is posted + sent to the Media

(2) Also I added the NOTE to the top of the Web Calendar as well as what

Notes

was existing on the bottom part.

And (3) I added the note on Tues + Thurs. as well.

So for the time being I will not block out <sup>block</sup> any time on Tues + Thurs? We had more problems ~~that~~ ~~on~~ that when we didn't before.

Published — Wiles, Glenda - 10/31/2012 12:37 PM Publish Pending

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## Commissioners Schedule

Ravalli County Board of Commissioners: Agenda & Appointment Calendar (see below)

The Commissioner's Conference Room is located at 215 S. 4th Street, 3rd Floor where ALL meetings are held unless otherwise noted.

Note: If the meeting is labeled with WEB EX, this means the meeting can be viewed live on-line using WebEx. [To view the live WebEx meeting or see up coming live on-line meeting schedule click here.](#) You will be required to enter your name, email address. Enter the password: **public** to enter. For first time users you will be asked and need to install a WebEx app.

2

**Note:** The Ravalli County Commissioners hold *calendared* meetings Monday, Wednesday and Friday of each week. Those meetings are scheduled throughout the day and are held at certain times. The Commissioners also hold their *regular* meetings on Tuesday and Thursday of each week normally commencing at 9:00 a.m. Times scheduled during Tuesday and Thursday regular meetings are approximations only, as the Commissioners may move to the next agenda item as time allows. In other words, if a citizen has a meeting calendared on Wednesday at 10:00 a.m., that meeting will occur as close to possible on Wednesday at 10:00 a.m. If a meeting is scheduled on the regular meeting days (Tuesday and Thursday), those meetings can flow from one to the next, not necessarily at the exact time as scheduled. The Commissioners and their staff attempt to keep items calendared as close to possible on Monday, Wednesday and Friday. On Tuesdays and Thursdays we also strive to keep these times as close to the times noted. However, those agenda items have the ability to flow, one item to the next.

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### Monday - October 29

9:00 a.m. - Daly Leach Chapel requesting Indigent Burial Funds for Michael Baker

9:30 a.m. - Presentation of Grant Information and approval to move forward on application for 'Buckle Up Montana' grant

10:00 a.m. - MACo Health Insurance Presentation

10:30 a.m. - Discussion and possible decision on operation(s) protocol at the Road Department

1:30 p.m. - Discussion of the development of a Natural Resource Policy with public input

1:30 p.m. - Working session for Tourism Business Improvement District (TDBID) held at RC&D 1709 N. 1st Street, Hamilton

3

### Tuesday - October 30 - (Please note Tuesday is a regular meeting day and the meetings can flow one to the next - times are approximate)

9:00 a.m. - RAN Pigman bringing forth requested information (engineering etc.) for fairgrounds parking with possible decision to move forward on plan submittal

9:30 a.m. - Adm: Update on Insurance Issues for claims; Discussion and possible decision on air system bid for offices at Road Shop; Appointment of Exofficio Open Lands Board Member; Approval of Credit Card for 911 Supervisor; Sign off on Surplus Copier

10:00 a.m. - Update with Human Resource Director

10:30 a.m. - Ravalli County Park Board to tour park sites in the North Valley starting at Victor Park 10:30 a.m.

10:30 a.m. - Update with Chief Financial Officer Klarryse Murphy

11:00 a.m. - Discussion and possible decision on revision of Resolution No. 1372 (public participation and notice of meetings)

1:30 p.m. - Corvallis Cemetery Association District meets at Corvallis Cemetery for meeting

2:00 p.m. - Chief Financial Officer with First Quarter FY 2013 update

8:00 p.m. - Bitterroot Conservation District meeting at USDA Building in Hamilton

**Wednesday - October 31**

9:00 a.m. - Commissioners Stoltz/Burrows at Co. Attorney's Office re: Issues of animal housing

**3** **Thursday - November 1 - (Please note that Thursday is a regular meeting day and the meetings can flow one to the next times are approximate)**

Office Management

5:00 p.m. - Victor Sewer District meets in Groff Conference Center in the back of Farmers State Bank in Victor

**Friday - November 2**

Office Management

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Last updated 10/31/2012 12:37:16 PM by Wiles, Glenda

WHERE NOTICE POSTED: specifically identifying such matters on the main bulletin board on the third floor of the Ravalli County Administrative Center. [website?].

WHERE NOTICE POSTED: Notice will be posted on the bulletin board on the third floor of the Ravalli County Administrative Center. Supplemental notice may be posted at additional public places, electronically mailed or otherwise provided to local media, and published on the County's website.

①

Agenda note: change T/Thurs w/ block of time rather than by hour?

② Web site 2-2-3(B)

may - legal requirement

Yes meetings day + the meetings can show are to the next - fun are appropriate

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- Office Management

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*Review*

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Last updated 10/26/2012 4:44:17 PM by Wiles, Glenda

## Glenda Wiles

---

**From:** Dan Browder  
**Sent:** Thursday, November 01, 2012 6:21 PM  
**To:** Glenda Wiles; Howard Recht  
**Subject:** Mtg  
**Attachments:** 02-02 (fmr 01-06 open gov't) 11-1-12

Hi Glenda,

Please schedule a BCC meeting to consider the attached open meetings policy incorporating the changes Howard reported from the commissioners' comments at the last BCC meeting on the subject.

Thanks,  
Dan

## CHAPTER 2

## MEETINGS AND OPEN GOVERNMENT

## SECTION:

- 2-2-1: Scope and Purpose
- 2-2-2: Definitions
- 2-2-3: Notice
- 2-2-4: Creation of Agenda
- 2-2-5: Regular and Special Meetings
- 2-2-6: Opportunity for Public Participation
- 2-2-7: BCC to Consider Data and Comments Submitted by the Public
- 2-2-8: Public to Have Comment on Matters not on Agenda
- 2-2-9: Penalty

## 2-2-1: SCOPE AND PURPOSE:

Section 2-3-103(1), MCA, requires the BCC to develop procedures for permitting and encouraging public participation in decisions of the BCC that are Matters of Significant Interest to the Public and to allow public comment on public matters over which the BCC has jurisdiction. (Res. 1372, 1/13/2004)

## 2-2-2: DEFINITIONS

- A. "Matters of Significant Interest to the Public" means all matters except those involving a mere ministerial act.
- B. "Meeting" means the convening of a quorum of the BCC, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power. (§ 2-3-202, MCA.)
- C. "Ministerial Act" means an act performed pursuant to legal authority and requiring no exercise of judgment. 47 Mont. Op. No. 13 Atty. Gen. at 5." Jones v. Missoula County, 2006 MT 2 ¶ 16.

## 2-2-3: NOTICE:

- A. NOTICE TO BE PROVIDED: Notice shall be provided of any non-ministerial decision or action of the BCC that has meaning to or affects a portion of the community unless an exception applies. Unless an exception applies, notice shall be provided for every meeting of a quorum of BCC members.
- B. WHERE NOTICE POSTED: Notice will be posted on the bulletin board on the third floor of the Ravalli County Administrative Center. Supplemental notice may be posted at additional public places, electronically mailed or otherwise provided to local media, and published on the County's website.

C. 48 HOUR NOTICE: Notice shall be provided a minimum of 48 hours prior to the time scheduled.

D. SPECIFIC AGENDA TO BE POSTED: The BCC will post the agenda for each meeting of the BCC unless an exception applies. The agenda may be amended and re-posted, as needed, until up to 48 hours prior to the time scheduled.

E. STATUTORY NOTICE: Matters that require statutory notice by particular means (such as publication or posting) will be complied with as the particular statute requires. (Res. 1372, 1/13/2004)

F. EXCEPTIONS: No notice is required to be given in the following circumstances:

1. In the case of an emergency, when the time required to give notice will impact public health, welfare, or safety; such BCC actions made without notice shall be the minimum required to address the emergency.
2. When the decision involves no more than a purely Ministerial Act.

#### 2-2-4: CREATION OF AGENDA:

Specific agenda items shall be 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 BCC's jurisdiction," or by making an oral or written request directly to one of the Commissioners. (Res. 1372, 1/13/2004)

#### 2-2-5: REGULAR AND SPECIAL MEETINGS:

A. REGULAR MEETINGS: The BCC will hold regular meetings on days of the week established by resolution for the purpose of taking action on public matters within the BCC's jurisdiction. The office of the BCC is open for business from 9:00 a.m. until 5:00 p.m. on every business day, except that the BCC may periodically close the office or shorten its hours of operation for reasons including but not limited to emergencies, public or employee safety, weather, staffing, and holiday-related reduction of hours. (2012 Code; Res. 1372, 1/13/2004.)

B. SPECIAL MEETINGS: The BCC may hold special meetings as County business requires, with appropriate notice to the public.

C. OPEN TO THE PUBLIC: All meetings of the BCC are open to the public unless closed as allowed or required by statute.

~~D. NO QUORUM AVAILABLE: When a quorum of the BCC is not present, a regular meeting may be cancelled, and on such occasions as much advance notice will be given to the public as is practical.~~

~~(2012 Code; Res. 1372, 1/13/2004.)~~

2-2-6: OPPORTUNITY FOR PUBLIC PARTICIPATION:

A. OPPORTUNITY FOR PUBLIC INPUT PRIOR TO MEETINGS: Before taking action in public meetings on matters of significant public interest, 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 BCC.

B. OPPORTUNITY FOR PUBLIC INPUT DURING MEETINGS: Before taking action on public matters within the BCC's jurisdiction presented at the public comment portion of a 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 BCC.  
(Res. 1372, 1/13/2004)

D. BCC TO CONSIDER PUBLIC INPUT: Before taking action in a public meeting, the BCC shall consider relevant public data or comments.

2-2-7: PUBLIC INPUT FOR MATTERS CONSIDERED AT A PUBLIC HEARING:

For any matters addressed by a public hearing held by the BCC 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 BCC 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 BCC will not consider new information submitted or presented after the close of a public hearing, but will allow, at the BCC's 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 BCC 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 BCC 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.

(Res. 1372, 1/13/2004)

2-2-8: PUBLIC TO HAVE COMMENT ON MATTERS NOT ON AGENDA:

The agenda for each meeting of the BCC shall include an item

identified as "Comments on public matters, not otherwise on the agenda of the meeting, that is within the BCC's jurisdiction." The Chair or presiding officer of the BCC will provide reasonable time for any person to submit data or comments, either orally or in writing, on public matters within the BCC's jurisdiction. "Public matters" do not include contested cases and other adjudicative proceedings. (Res. 1372, 1/13/2004)

2-2-8: PENALTY [EFFECTIVE UPON ADOPTION OF A RAVALLI COUNTY CODE]:

The penalty provisions of this Code shall not apply to this chapter. (2012 Code.)