

Ravalli County Open Lands Board

Adopted May 7, 2007 by Resolution 2104

<u>ARTICLE I:</u>	AUTHORITY	2
<u>ARTICLE II:</u>	OBJECTIVE.....	2
<u>ARTICLE III:</u>	DEFINITIONS.....	2
<u>ARTICLE IV:</u>	POWERS AND DUTIES.....	2
<u>ARTICLE V:</u>	MEMBERSHIP.....	3
	A. OPEN LANDS BOARD COMPOSITION.....	3
	B. TERM OF OFFICE	4
	C. RESIGNATION AND VACANCIES.....	4
	D. ABSENCE FROM MEETINGS AND REMOVAL FROM OFFICE.	5
	E. COMPENSATION:.....	5
<u>ARTICLE VI:</u>	OFFICERS AND DUTIES	5
	A. CHAIRMAN AND VICE- CHAIRMAN.	5
	B. SECRETARY	5
<u>ARTICLE VII:</u>	- MEETINGS	6
	A. OPEN MEETING LAW.	6
	B. ANNUAL MEETINGS.	6
	C. REGULAR MEETINGS.	6
	D. SPECIAL MEETINGS.....	6
	E. QUORUM.....	7
	F. PARLIAMENTARY AUTHORITY.....	7
	G. CONFLICT OF INTEREST.....	7
<u>ARTICLE VIII:</u>	ORDER OF BUSINESS.....	7
	A. STANDARD ORDER OF BUSINESS.....	7
	B. NEW BUSINESS.....	8
<u>ARTICLE IX:</u>	PUBLIC HEARINGS	8
	A. NOTICE	8
	B. PROCEDURES	9
	C. DUTIES OF THE SECRETARY	9
	D. POWER OF THE BOARD	10
	E. RESOLUTION REQUIRED.....	10
<u>ARTICLE X:</u>	LEGAL ASSISTANCE.....	10
<u>ARTICLE XI:</u>	AMENDMENTS PROCEDURES.	10

ARTICLE I: Authority

The Ravalli County Open Lands Board shall operate as an advisory board pursuant to the authority granted under MCA Open Space Land and Voluntary Easement Act, Secs 76-6-101.

ARTICLE II: Objective

The objective of the Ravalli County Open Lands Board is to work with the County Commissioners and the citizens of Ravalli County to preserve open lands throughout the county's rural and urban areas that protect working farms and ranches, water quality, river corridors, timberlands, important wildlife habitat, scenic views and vistas, and diverse recreational opportunities.

ARTICLE III: Definitions

As used in these bylaws:

"Applicant" means the party who is requesting consideration of a voluntary easement application.

"BCC" means the Ravalli County Board of Commissioners.

"Board" means the Ravalli County Open Lands Board.

"Chairman" means the Chairman of the Ravalli County Open Lands Board, or in the Chairman's absence, the Vice-Chairman.

"County" means Ravalli County.

"Member" means a member of the Ravalli County Open Lands Board.

"Resolution" means a resolution or order of the Ravalli County Open Lands Board.

"Staff" means the staff of the Ravalli County Planning Department

"MCA" shall refer to the Montana Code Annotated as amended.

ARTICLE IV: Powers and Duties

The Board has the power and duty to:

1. Supervise and develop ground rules for governing the affairs of the Board;
2. Prescribe uniform rules pertaining to investigations and hearings;
3. Keep records and have responsibility for the custody of papers and documents of the Board in cooperation with Planning Department Staff;
4. Make annual reports to the Commissioners of the Board's activities and the status of open lands funds.
5. Make recommendations to the Commissioners in regard to the expending or depositing in the open lands fund all sums appropriated to it;
6. Make recommendations to the Commissioners in regard to the payment of the authorized expenses of members or employees attending meetings, if that amount has been made available in appropriations;
7. Hold public hearings, in addition to those required by law, when it decides such hearings will be in the public interest;
8. Develop policies and procedures and make recommendations to the Commissioners to:
 - a. Implement open lands conservation plans in accordance with the County Growth Policy or other policies pertaining to land use;
 - b. Enter into cooperative agreements with organizations such as: other government units, community groups, homeowner associations or others which may further the mission and/or objectives of the Open Lands Board;
 - c. Gain the most efficient use of open lands funds;
9. Recommend the acquisitions related to gifts, grants, purchases or easements of lands within the county for conservation of open space values.

ARTICLE V: Membership

A. Open Lands Board Composition

The Ravalli County Open Lands Board shall be a fifteen (15) person board appointed by the County Commissioners and comprised of thirteen (13) voting members and two (2) non-voting, exofficio members.

Three (3) representatives from the county at large

Two (2) representatives from the County at large who own or operate county qualified agricultural operations (greater than fifty percent of the owner or operator's gross income is derived from agriculture)

Two (2) representatives from the Ravalli County Right to Farm and Ranch Board

One (1) representative from the Ravalli county Conservation District

One (1) representative from the Ravalli County Planning Board

One (1) representative from the Ravalli County Weed Board

One (1) representative from the Ravalli County Park Board

One (1) representative from the county at large with a background in wildlife biology, ecology, environmental sciences, or a similar field

One (1) representative from the county at large with a background in hydrology, water resource management, or a similar field

One (1) non-voting, exofficio representative from the Ravalli County Extension Office.

One (1) non-voting, exofficio representative from the Bitter Root Land Trust Board.

B. Term of Office

1. Except as provided in subsection 2, the term of office of each Board member shall be 3 years with and after January of the year appointed and until a successor is appointed and qualified.
2. Of the 13 regular members, four of the Board members first appointed shall hold office for a period of 1 year, four for 2 years and five for 3 years with and after January and until their successors are appointed and qualified. Additionally, there will be two exofficio non-voting members to serve at the pleasure of the Commissioners.
3. At the conclusion of a term, Board Members may re-apply to the BCC and the BCC may appoint the Member to another term.

C. Resignation and Vacancies

1. Resignations and requests for re-appointments shall be submitted in writing to the Chairman, which shall be forwarded to the BCC.

D. Absence from Meetings and Removal from Office

1. Each member shall inform the Chairman or relevant county Staff in advance of inability to attend a Board Meeting.
2. Any Board member who shall refuse or neglect for a period three (3) consecutive regularly scheduled meetings to attend the meetings of the Board without leave of absence from the Board shall be deemed to have vacated the office, and thereupon, his/her successor may be appointed.
3. A Board member may be removed for cause by the Commissioners upon written charges by the Open Lands Board and after a public hearing.
4. Individual members representing one of the organizations or Boards stated in Section V, sub-section A may send an alternate to a Board meeting. The alternate member may not vote on actions that come before the Board or count as part of a quorum. There shall be no proxy voting in absentia.

E. Compensation

Members shall serve without compensation except for actual and necessary expenses incurred in their official capacity.

ARTICLE VI: Officers and Duties

A. Chairman and Vice- Chairman.

1. Election. Except in year one, In January of each year the Board shall meet and organize by electing one of their number Chairman and one of their number Vice-Chairman. The Chairman and the Vice-Chairman shall be elected at the annual meeting of the Open lands Board for one year terms. No person may serve in the position as Chairman for more than 3 consecutive one-year terms. No person may serve in the position of Vice-Chairman for more than 3 consecutive one-year terms.
2. Duties.
 - a. The Chairman and, in his/her absence, the Vice-Chairman shall preside at all meetings of the Board.
 - b. The Chairman may call special meetings, assign members to committees, and perform the duties normally conferred by parliamentary usage on such officer.
 - c. When the Chairman is absent, disabled or disqualified, the Vice-Chairman shall act as Chairman. In the event the Chairman is no longer able to serve in that capacity, the Vice-Chairman will succeed to the

position of Chairman and serve the balance of the term. The Board shall elect a new Vice- Chairman to serve the balance of that term.

- d. The Chairman shall coordinate with the County Planning Director and Staff when requesting Staff support in completing the following duties:
 - i. Prepare the Board's meeting agenda;
 - ii. Keep the minutes of Board meetings;
 - iii. The drafting and preparation of all resolutions, contracts and agreements to be considered by the Board;
 - iv. The preparation and posting of all public notices for Board hearings; and
 - v. Keep an accurate account of all transactions of the Board.

B. Secretary

1. The Secretary shall be appointed or elected at the annual meeting of the Board for one-year terms. All other officers and agents of the Board shall serve at the pleasure of the Board.

ARTICLE VII: Meetings

A. Open Meeting Law.

All meeting shall be conducted in accordance with Montana state open meeting law as provided in Title 2, Chapter 3, Part 2 (M.C.A. 7-3-182).

B. Annual Meetings.

An annual meeting shall be held in January of each year.

C. Regular Meetings.

1. The Board shall meet at least once each quarter. These meeting shall be noticed to the public with agendas available prior to the meeting.

D. Special Meetings.

1. Either the Chairman or three members making written request to the Chairman may call a special meeting.
2. At least two days in advance, written (E-Mail) notice of any special meeting shall be sent to all members.

E. Quorum

1. A majority of the voting Board shall be necessary to constitute a quorum for the transaction of the business of the Board.

F. Parliamentary Authority

Roberts' Rules of Order shall apply in all parliamentary matters, unless these bylaws otherwise provide.

G. Conflict of Interest

The Board recognizes that conflicts of interest may arise. Board members shall fully disclose all potential conflicts of interest and the Board shall address the issues as needed.

1. No voting Board member, directly or indirectly, shall have an interest in or benefit by any contract made by the Board or by its authority or in the furnishing of any supplies for the use of the Board. MCA 7-16-2314 (1).
2. A conflict of interest may exist when a member of the Board:
 3. Has a financial interest in a matter under consideration by the Board or one of its committees; or,
 4. Represents a party having such an interest; or,
 5. Is an adjoining landowner.
6. Before consideration of the matter, the member shall announce that he or she is disqualified and the disqualification shall be entered in the minutes of the meeting.
7. Thereafter, the member shall be excused from the meeting during consideration of the matter, and shall not participate in consideration or voting thereon.
8. The member may participate as a part of the public in attendance in providing information to the Board.

ARTICLE VIII: Order of Business

A. Standard Order of Business

Unless otherwise voted, the order of business at regular meetings shall be:

1. Call to order
2. Roll Call
 - a. Members present

- b. Members absent
- 3. Approval of Minutes
- 4. Amendments to the Agenda
- 5. Correspondence
- 6. Disclosure of Possible/Perceived Conflicts
- 7. Public Hearing
- 8. Communications from Staff
- 9. Communications from Public
- 10. Communications from Board
- 11. New Business
- 12. Old Business
- 13. Next Regularly Scheduled Meeting
- 14. Adjournment
- 15. The Board may vote to dispense with any item on the agenda or to change the order of business.

B. New Business

- 1. The Board may choose not to act upon any new business not submitted at least five (5) days prior to a regular meeting date.
- 2. New business may be introduced without the five day notice for the purpose either of Board action at a future meeting or referral to a board or the staff for study or consideration.
- 3. The requirements of this section may be waived by the unanimous vote of the members of the members present, if there is a quorum.

ARTICLE IX: Public Hearings

A. Notice

At least 15 days before the date for hearing, the Board shall publish in a newspaper of general circulation in Ravalli County, a notice of the subject, time and place of the hearing.

B. Procedures

1. Duties of the Chairman. The Chairman shall:
 - a. Preside at all public hearings.
 - b. State a summary of the questions or issues at the opening of the hearing, limiting its contents to the subject advertised for hearing.
 - c. Specify the method of conduct of the hearing and set a time limit for each speaker and the length of the hearing, if deemed necessary by the Board.
 - d. Assure an orderly hearing, having the power to terminate the hearing if persons become unruly.
 - e. Announce that all questions and comments shall be directed through the Chairman only after the speaker has been recognized.
 - f. Direct each speaker recognized to give their name and address, spell their last name and if appropriate, the name of the person, firm or organization which the speaker represents.
 - g. Direct that copies of prepared statements be given to the Board Secretary to become a part of the record.
 - h. Call first for statements from proponents, then give opponents equal opportunity for comment.
 - i. Allow one rebuttal by a designated spokesman for the proponents and one counter-rebuttal by a designated spokesman for the opponents.
 - j. Close the hearing to the receipt of public testimony when all who wish to speak have spoken, or if the time limit set by Board has expired.
 - k. Declare the hearing to be closed or state the time, place, and date upon which the hearing will be continued, after Board members, being properly recognized at the conclusion of public testimony, have completed questioning of any person presenting testimony.

C. Duties of the Secretary

At the request of the Board and its officers, the Secretary shall:

1. Read the legal advertisement and announce the dates upon which and names of the newspaper in which the advertisement appeared.
2. Take minutes or record the proceedings at each hearing.
3. Incorporate the record of the hearing in the minute book of the Board as a permanent part of its record.
4. Provide the public with access to all information and documents pertaining to the business of the Board.

D. Power of the Board

The Board may set a reasonable time limit for the receipt of public testimony.

E. Resolution Required.

Decisions on issues subjected to a public hearing shall be adopted through a resolution of the Board.

ARTICLE X: Legal Assistance.

The Board shall seek legal assistance from the County Attorney's office.

ARTICLE XI: Amendments Procedures.

1. Any bylaw amendment shall be proposed by any member at a regular meeting.
2. Approval of the proposed amendment requires an affirmative vote of a majority of the Board on second reading at any meeting properly called subsequent to the proposal.
3. Bylaw amendments shall be adopted through a Resolution of the Board.
4. Recommendations for bylaw amendments shall be adopted through a Resolution of the Board and then presented to the Commissioners.