

**JEFFERSON COUNTY
BOARD OF PARKS, TRAILS, AND RECREATION
COMMISSIONERS
BY-LAWS**

ARTICLE I - NAME AND AUTHORIZATION

A. NAME

The name of the Board, as provided by Resolution 43-2017 of the County of Jefferson, Montana, shall be known as the Jefferson County Board of Parks, Trails, and Recreation Commissioners ("Board").

B. AUTHORIZATION

Subject to Sections 7-1-201 and 7-1-203, Montana Code Annotated (MCA), Section 7-1-202, MCA authorizes Jefferson County to create a board of park commissioners. This Board exists by the authority of the Jefferson County Board of Commissioners ("Commissioners") and may be modified or abolished by action of the Commissioners.

ARTICLE II - PURPOSE AND FUNCTION

A. PURPOSE

The Board will serve as an advisory/working board to the County Commission and to the Jefferson County Planning Board on matters related to park areas, trails and recreation within Jefferson County.

B. BOARD FUNCTION & POWERS

This Board is granted all powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of this Board, including those provided in Sections 7-16-2301 through 7-16-2332, MCA and the following assignments:

- (1) To recommend rules to the County Commission that are necessary or convenient to protect and promote the improvement of land and facilities under the care and control of Jefferson County;
- (2) To review current parks, trails, and recreation programs and facilities in the county to determine additional needs, and submit recommendations pertaining to parks, trails, and recreation guidelines, policies, facilities, user fees, or penalties, if any, to the Commissioners;
- (3) To provide and gather public input on parks, trails, and recreation-related long-range plans;

- (4) To serve in an advisory capacity to the Commissioners for the location, construction, maintenance and funding of parks, trails, and recreation facilities;
- (5) To review all parks, trails, and recreation-related matters submitted to the Board by the Commissioners;
- (6) To make recommendations to the Commissioners on operating and capital budget needs as well as fees and charges, and monitor the Parks, Trails, and Recreation budget throughout the year;
- (7) To inventory undeveloped county road right-of-ways to be recognized, retained, and improved for the purposes of potential trails and parks development;
- (8) To make recommendations to the Commissioners on proposed road abandonments if the abandonment could impact a potential park, trail, or recreation project;
- (9) To provide input regarding parks, trails, and recreation facility and infrastructure needs to assist the Planning Board in gauging current and future needs as a part of Growth Policy updates;
- (10) To periodically review and, if necessary revise and update, any parks, trails, and recreation-related long-range plans that may be created;
- (11) To advise Jefferson County's Planning Board and the Commissioners on parks, trails, and recreation needs and issues;
- (12) Within the current Commissioner's goals, objectives, and budget, perform the above-mentioned duties using the following criteria:
 - a. To promote maximum utilization of county parks, trails, recreation facilities and programs;
 - b. To enhance the quality of the leisure life of all county residents through parks and recreation programs and services;
 - c. To provide to county residents as wide a variety of recreational opportunities as possible; and,
 - d. To provide recreation opportunities that help to attract visitors and associated support services and businesses to Jefferson County to enhance and expand the area's economy.

ARTICLE III – BOARD BUDGET AND SPENDING & TAXING AUTHORITY

- A. Within ninety days (90) days of the first meeting of the Park Commission, it shall submit to the County Commissioners a budget for review and approval.

- B. The Board shall prepare and submit an annual work plan and budget to the County Commissioners for review and approval no later than June 10th of each year.
- C. The Board shall not pledge the credit of Jefferson County or impose any tax unless specifically authorized by State law.

ARTICLE IV – BOARD COMPOSITION

- A. **Voting Members.** The Board shall consist of seven (7) voting Board members. All members shall be appointed by the Commissioners and shall be subject to the Board's by-laws and Jefferson County's policies.
- B. **Terms.** Terms of the members shall be for three (3) years, except for the initial board appointments made the first year of the Board's inception. Board member terms will typically begin on April 1st and end on March 31st. Partial term appointments may be used to fill the remainder of a term if a vacancy occurs on the Board prior to the vacating Board member's term expiring.
- C. **Staggered Terms.** Terms shall be staggered to avoid having all seven Board member terms expiring the same year. To accommodate for staggered terms, four (4) of the seven (7) initial appointments shall serve for two (2) years and three (3) of the seven (7) initial appointments shall serve for three (3) years.
- D. **Salary and Compensation.** Board members may not receive compensation but are entitled to reimbursement for mileage and for reasonable expenses that are incurred for travel on Park Commission business. Except for mileage, reimbursement for *per diem* and lodging shall be at the equivalent rate to those established by Jefferson County for county employee travel. Mileage shall be reimbursed at the current rate set by the Internal Revenue Service (IRS) for business travel.
- E. **Residency.** Board members must be residents of Jefferson County. To the extent practicable, the County Commission shall appoint Board members from different geographical regions of Jefferson County.
- F. **Appointments and Vacancies.** The Commissioners shall make all appointments and fill all vacancies on the Board after recommendations are received from the Board. The Commissioners shall advertise in a local newspaper and post open member positions and vacancies per County policies and State law for at least one month prior to filling the vacancy.
- G. **Removal of Board Members.** Board members may be removed by the Commissioners for just cause. Such actions may include: (1) a determination pursuant to Title 53, chapter 21, part 1, Montana Code Annotated a Board member is mentally ill; (2) neglect or refusal to perform required duties for three (3) consecutive months, except when prevented by illness or injury, or when absent by permission of the Park Commission; or (3) conviction of a felony.

ARTICLE V – STAFF & ASSISTANCE

- A. **Board Employees.** The Board may, with the approval of the County Commissioners, employ a secretary. The Board is responsible for the supervision of any staff although the County Commission and the County Personnel Officer shall be consulted prior to any disciplinary action. The County Commission reserves the authority to hear personnel appeals and to overturn any personnel decisions. The Board's employees are subject to all personnel policies as adopted by the County Commission.
- B. **County Personnel.** This Board's members may seek assistance from County Staff to advise and assist with implementing its mission and duties. This Board may recommend to the County Commissioners when assistance from County Staff would be beneficial and the County Commissioners may assign and direct the appropriate Staff to help perform such duties. Departments that may provide assistance include, but are not limited to, Events Coordination, Planning, GIS, Roads, and Weeds.
- C. **Events Coordinator and Planning Department.** The Events Coordinator and the Planning Staff may assist the Board with preparing and posting legal notice for all the Board's regular and special meetings, public hearings, or any other required notices. They may also attend each board meeting and perform secretarial duties including taking notes, preparing draft meeting minutes, and ensuring approved minutes are filed with the Clerk & Recorder's Office if the board requests such assistance. The Events Coordinator and Planning Staff can assist the Board's chair or vice chair in oversight and conduct of the board meetings.
- D. **Planning Board.** The Planning Board shall make recommendations to the Board of Parks, Trails, and Recreation Commissioners regarding appropriate locations for new or upgraded facilities, plan updates, or the spending of parkland funds collected from new subdivisions. The Planning Staff will serve as the liaison between these two boards.
- E. **Fair Board.** Jefferson County's Fair Board is currently assigned as the designated board with duty over maintaining and managing Jefferson County's Recreation Park. If Jefferson County's Board of Parks, Trails, and Recreation Commissioners has proposals or suggestions that involve or may impact the County's Recreation Park, those ideas must be presented to the Fair Board for their consideration and recommendation.
- F. **County Attorney.** Jefferson County's Attorney may be used by the Park's Board as a legal advisor. The County Attorney's duties may include, but are not limited to, reviewing contracts, agreements, or other legal documents.

- G. **Sub-committees.** This Board may vote to form sub-committees that help to carry out its assigned tasks and mission.

ARTICLE VI - MEETINGS

- A. **Quorum.** Four (4) board members shall constitute a quorum for the purpose of conducting business at a regular or special Board meeting. Action at any meeting may be taken by a majority of the Board members present and voting.
- B. **Schedule.** The Board shall meet on a monthly basis on a date and time as may be determined by the Board.
- C. **Minutes.** Written minutes shall be kept of all meetings, including the final vote of all action and the vote of each Board member. Within 30 days after the minutes have been approved by the Board, the Board shall submit the minutes for electronic storage to the Jefferson County Clerk and Recorder.
- D. **Sub-Committee Meetings.** Sub-committee meetings will be scheduled on an as-needed basis as determined by the sub-committee members. All sub-committee meetings shall follow the same procedures as required for noticing regular and special board meetings. All sub-committee meetings shall be open to the public. Meeting minutes shall be kept for each sub-committee meeting and shall be filed with the Jefferson County Clerk and Recorder.

ARTICLE VII – OFFICERS

- A. **Officers**
The Board shall select a Chair from its members by majority vote. The Board may also choose to elect a Vice Chair or other officers from its members.
- B. **Nomination and Election of Officers**
Nomination of elective officers will be made from the floor at the annual election meeting, which will typically be held during the first regular meeting in April of each year. The election will follow immediately thereafter. A nominee receiving a majority vote of those present at the election will be deemed elected, subject to them agreeing to accept the position.
- C. **Terms of Officers**
The elective officers usually take office at the first regular meeting in April and serve for a term of one year. A board member may serve successive terms in the same elective office or in another elective office.
- E. **Vacancies in Offices**
Vacancies in elective offices will be filled immediately at a regular meeting by regular election procedure for the unexpired portion of the term.

F. Duties of Officers

(1) Chair

The Chair shall be responsible for oversight and conduct of board meetings and shall handle oversight of ministerial administrative duties. The Chair will preside at all meetings and public hearings of the Board and will call special meetings when he/she deems them necessary or is required to do so. The Chair shall sign minutes of Board meetings and all official papers and plans involving the authority of the Board which are transmitted to the Commissioners. The Chair may discuss all matters before the Board and make motions on all voting thereon. He/she will perform all the duties normally conferred by parliamentary usage on such officers and will perform such other duties as may be ordered by the Board except as otherwise provided in these by-laws, in other Board resolutions, in county ordinances, or state law.

(2) Vice Chair

The Vice Chair will assume the duties and powers of the Chair in his/her absence. If the Chair and Vice Chair are both absent, the remaining Board members may elect a temporary chair by a majority vote of those present at a regular or special meeting. This person will assume the duties and powers of the Chair and the Vice Chair for that meeting.

(3) As allowed under Article V. C. of this document, the County's Events Coordinator and Planning Department staff can assist the chair and vice chair with performance of their administrative duties and in oversight and conduct of board meetings.

ARTICLE VIII - BOARD OPERATIONS

- A. The Board shall have no authority other than as stipulated in the by-laws and approved by the Commissioners.
- B. All regular and special board meetings and all sub-committee meetings will be open to the public. For advertising purposes, the Board will provide to the County Events Coordinator or other designated County Staff, a schedule of their meetings and meeting agendas and will ensure agendas and minutes are available to the public in accordance with applicable State laws.
- C. Meetings may be conducted in accordance with Robert's Rules of Order or a modified version of those rules.
- D. Special meetings of the Board may be called by the Chair with the purpose of the meeting stated. Except in cases of emergency, at least three days notice shall be given to each member prior to holding a special meeting.

- E. The Board shall be notified by mail or email a week in advance of a regular meeting. Copies of the previous meeting's minutes shall be distributed to the board members for review.

ARTICLE IX - BOARD MEMBER AND PUBLIC CONDUCT AT MEETINGS

A. STANDARDS OF CONDUCT

All Board members are subject to the following standards of conduct:

1. Board members and the public will treat each other with respect.
2. Board members and the public will respect the opinions of, and the differences among, individuals.
3. Board members will expect fairness in their decisions and actions internally and externally and be mindful of their impact on other groups and people.
4. Board members expect their actions to demonstrate care for their commission, their constituency, themselves and others, as well as for the community as a whole.
5. Board members and the public will treat each other with respect at all times, regardless of an individual's opinion, ethnicity, race, sexuality, age, disability or religion.
6. Even in the face of disagreement or differences of opinion, Board members will demonstrate esteem and deference for their colleagues and the public.
7. Under no circumstances during Parks, Trails, and Recreation Commission meetings, functions, or events will Board members or the public engage in, or threaten to engage in, any verbal or physical attack on any other individual.
8. Board members and the public will commit to communicate ideas and points of view clearly, and allow others to do the same without interruption.
9. Board members and the public will not use language that is abusive, threatening, obscene, or slanderous, including using profanities, insults, or other disparaging remarks or gestures.
10. Derogatory language about an individual's ethnicity, race, sexuality, age, disability, or religion is not acceptable.

B. SANCTIONS FOR VIOLATING STANDARDS OF CONDUCT

1. With a quorum, the Board may formally recommend to the County Commissioners that a Board member be removed for either of the following reasons:

- a. Upon the third absence from regular meetings that occurs without prior notification to the Chair.
 - b. Acts which are, in the opinion of the Board, a material violation of the by-laws or detrimental to the best interest of the Board or the community.
2. Any board member so charged must be heard in a session at which the same quorum is present. The charges and minutes of the meeting must be forwarded to the Commissioners within five days. At the request of the charged board member, the session may be closed to the public.
 3. The County Commissioners may, with or without the recommendation of the Board, remove any member of the Board of Parks, Trails, and Recreation Commissioners for misconduct, activities detrimental to the best interest of the County, or neglect of duty. The Board members serve at the pleasure of the County Commissioners.

ARTICLE X - BY-LAWS AND EFFECTIVE DATE

- A. The Board may adopt procedural rules so long as any such rules do not conflict with State law or Jefferson County's policies, and shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the County Commissioners.
- B. The by-laws shall become effective upon review and approval by Jefferson County's Attorney's Office and after review and adoption by the Board and the County Commissioners.
- C. These by-laws may be amended at any regular meeting by a majority vote of the membership provided that the amendments(s) has(have) been submitted in writing at the previous regular meeting.
- D. Any changes to the by-laws will be reviewed and approved by the Board, the County Attorney, and the County Commissioners and be filed with the Jefferson County Clerk and Recorder's Office.

Reviewed and adopted by the Jefferson County Board of Parks, Trails, and Recreation Commissioners:

Sue Kenyon 7-23-18
Chair Date

AND

Reviewed and adopted by the Jefferson County Board of Commissioners:

Greg Smith 7-12-18
Chair Date

AND

Reviewed and approved by Jefferson County's Attorney's Office:

Steven C. Haddor 12 July 2018
Attorney or authorized representative Date