

RESOLUTION NO. 26-2016

**RESOLUTION ESTABLISHING QUALIFICATIONS FOR JEFFERSON VALLEY
RURAL AMBULANCE DISTRICT ADMINISTRATIVE BOARD AND ESTABLISHING
AUTHORITY, DUTIES AND RESPONSIBILITIES THEREOF**

Whereas, on August 23, 2016, the Jefferson County Commission (Commission) passed Resolution No. 25-2016, *Resolution Ordering a Referendum on the Creation of the Jefferson Valley Rural Ambulance District and Providing for the Election of the Administering Board of the Special District*. Resolution No. 25-2016 provided for a referendum on the creation of the Jefferson Valley Rural Ambulance District (Special District) by Special Election to be conducted by mail ballot on January 10, 2017. Resolution No. 25-2016 also provided for the election of five (5) individuals who reside within the boundaries of the Special District to administer the Special District, and to have the election of the board conducted at the same time and in the same manner as the referendum on the creation of the Special District; and

Whereas, Mont. Code Ann. § 7-11-1021 provides where a Special District is to be governed by a separate board, the governing body is to establish the board in accordance with Title 7, chapter 1, part 2, Montana Code Annotated, and must specify the powers and duties granted to the board; and,

Whereas, although Mont. Code Ann. § 7-1-201(1)(b) contemplates the resolution creating the board is to specify the term of the members of the boards, it does not provide guidance with respect to staggering the terms of the initial directors elected to serve on the administering board, or to filling vacancies on the elected board; and,

Whereas, the Commission deems it necessary to stagger the terms of the board members to ensure continuity of institutional knowledge and to provide for the filling of a vacancies on the board; and,

Whereas, as Title 7, chapter 13, part 22, Montana Code Annotated (pertaining to the creation of Water and Sewer Districts) contains provision relating to staggering of the terms of the initial directors and for the filling of vacancies on the board, the Commission deems is appropriate to reference Title 7, chapter 13, part 22, Montana Code Annotated, for guidance on these issues.

NOW THEREFORE, IT IS RESOLVED, pursuant to Mont. Code Ann. § 7-11-1021 and Mont. Code Ann. § 7-1-201, *et seq.*, the Board of Commissioners of Jefferson County creates the Jefferson Valley Rural Ambulance Special District Board (Special District Board); and,

IT IS FURTHER RESOLVED, the Special District Board Shall consist of five (5) members and each member of the board shall be a resident of the Special District. Except for the term of three (3) of the initial board members, board members shall serve four (4) year terms. The term of three (3) of the initial board members shall be two (2) years, and two (2) of the initial board members shall serve four (4) year terms. Thereafter, all directors shall serve four (4) year terms. Commencing in 2018, elections shall be conducted in accordance with Mont. Code Ann. § 13-1-504. At the first meeting following the initial election of the board members, the directors shall determine by lot who shall serve initial two (2) year terms.

If a vacancy occurs on the board of directors it shall be filled by a majority vote of the remaining directors. A vacancy is created when any of the following occurs prior to the expiration of the term of the board member:

1. death;
2. a determination pursuant to Title 53, chapter 21, part 1, Montana Code Annotated, the board member is mentally ill;

3. resignation;
4. neglect or refusal to perform required duties for 3 consecutive months, except when prevented by sickness or when absent from the Special District by permission of the board;
5. removal from office;
6. conviction of a felony; or,
7. the decision by a Court of competent jurisdiction declaring the board member's election or appointment void; and,

IT IS FURTHER RESOLVED:

1. The Special District Board is granted all powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the Special District;
2. The Special District Board shall ensure an appropriate response to requests service within the Special District, shall approve an annual budget, set and approve fees for services and wages (if any), and provide adequate vehicles, equipment, and supplies;
3. The Special District Board may exercise those powers provided in Mont. Code Ann. § 7-11-1021(3)(a) through (f), and (h);
4. The Special District Board may use privately contracted legal counsel or the Jefferson County Attorney. If privately contracted legal counsel is used, the board shall provide written notice to the Jefferson County Attorney;
5. Within ninety (90) days of election of the Special District Board, the board shall submit to the Jefferson County Commission a budget for review and approval. Thereafter, the board shall submit an annual budget and work plans to the Jefferson County Commission for review and approval no later than June 10 of each year;
6. A majority of the members of the Special District Board shall constitute a quorum for purposes of any action taken by the Special Board;
7. The Special District Board shall provide for the keeping of written minutes, including the final vote on all actions and the vote of each member. Within thirty (30) days after the minutes have been approved by the Special District Board for electronic storage and retention in accordance with Title 2, chapter 6, part 12, Montana Code Annotated, the Special District Board shall submit the minutes for electronic storage to the Jefferson County Clerk and Recorder;

8. The Special District Board may not pledge the credit of Jefferson County or impose any tax unless specifically authorized by state law;
9. At its initial meeting following the election of the Special District Board, the board shall select a Chair from its members by majority vote. The Chair shall be responsible for the oversight and conduct of board meetings and shall handle oversight of ministerial administrative duties. The Chair shall serve a one (1) year term. A board member may serve successive terms as Chair;
10. The Special District Board may employ personnel to assist in its functions;
11. The Special District Board may adopt procedural rules so long as any such rules do not conflict with Montana law or Jefferson County Policy, and shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the Commissioners; and,
12. Members of the Special District Board may not receive compensation but are entitled to reimbursement for mileage and for reasonable expenses which are incurred by board members for travel on Special District Business. Except for mileage, reimbursement for per diem and lodging shall be at an equivalent rate to those established by the Montana Department of Administration for state employee travel. Mileage shall be reimbursed at the current rate set by the Internal Revenue Service for business travel.

Dated this 30th day of August, 2016.

Jefferson County Commission

Bob Mullen, Chair

Leonard Wortman, Commissioner

Cory Kirsch, Commissioner

Attest:

Bonnie Ramey
Jefferson County Clerk & Recorder