

RESOLUTION NO. 14-2014

A RESOLUTION ESTABLISHING A POLICY AND PROCEDURE
FOR THE APPOINTMENT OF PEOPLE TO THE VARIOUS BOARDS
AND COMMISSIONS FOR WHICH THE BOARD OF COMMISSIONERS
HAS APPOINTMENT AUTHORITY

WHEREAS, the Board of Commissioners of Fergus County has a continuing duty and responsibility to appoint people to various boards and commissions which manage various aspects of county governments, and the Board of Commissioners, by this Resolution, intends to establish a procedure for nomination, consideration, and the appointment of interested persons to fill vacancies on the various boards and commissions; and

WHEREAS, the Fergus County Community Council has undertaken a study of board and commission appointments and has made recommendations to the Board of Commissioners; and the Board expresses their appreciation to the members of the Community Council for their efforts, and many of the recommendations by the Community Council are incorporated in the policy and procedure adopted herein; and

NOW THEREFORE BE IT RESOLVED, after due consideration and with full opportunity for members of the public to offer comment, the Board of Commissioners hereby adopts the following policy and procedure to govern the appointment of persons to boards and commissions.

1. Scope. This policy applies to board and commission appointments for which the Board of County Commissioners has appointment authority. Specifically this policy applies to all of those boards and commissions which are formed exclusively to manage Fergus County functions. This policy also applies to district boards or commissions. This policy also applies to

appointments to boards and commissions not formed by Fergus County, but for which the Board of Commissioners has been granted appointment authority, such as the Council on Aging Board.

Of particular note, this policy applies to appointments to Fire District Boards when the election process is not applicable as provided in statute.

2. Authority. The appointment authority described in this policy rests with the Board of Commissioners, by majority vote. Nonetheless, nothing in this policy prevents the Board of Commissioners from soliciting nominations from fire district boards or other boards or commissions with vacancies, or from other interested persons or groups.

3. Conflicts of Interest. The Board of Commissioners, in the administration of this policy, will be sensitive to considering and addressing appointments which may result in a conflict of interest. In those situations, an appointment will not be made until a legal opinion is received of whether or not a conflict exists or could exist.

4. Qualifications. The Board of Commissioners will honor any specific statute, rule, or regulation which describes the qualification for board or commission membership. Apart from any specific statute, rule, or regulation, all person appointed pursuant to this policy must be 18 years of age and residents of Fergus County, and be registered to vote in Fergus County.

5. Duties and Responsibilities. All persons appointed pursuant to this policy shall be expected to abide by all duties and responsibilities set out in any specific statute, rule, or regulation applicable to the specific board or commission to which they are appointed. In addition, all persons appointed pursuant to this policy will abide by the following:

A. Appointees are expected to attend all regular and special meetings of their board or commission, except when illness or pressing personal or business reasons arise. All business must be done by a quorum of any board or commission.

B. Appointees are expected to communicate openly and fairly with all other board or commission members.

C. Appointees are expected to demonstrate loyalty to their Board or Commission and will not take any action which undermines the work of their board or commission or the work of

other board or commission members. This duty or responsibility does not suggest that appointees are restricted in any way in exercising their free speech rights, or in any way expressing their opinions on issues or decisions before their board of commission. However, once a decision has been made by their board or commission, appointees are expected to honor and abide by decisions of their board or commission.

The Board of Commissioners will request, from each board or commission, an informational packet to be distributed to persons interested in filling vacant board or commission positions. This informational packet shall include the following information:

- (1) A listing of all existing board or commission members along with their contact information
- (2) A copy of any resolution creating or establishing the board or commission, and a copy of any current by laws or written polices
- (3) A listing or description of when regular meetings take place
- (4) A job description, or description of the duties or the responsibilities as a board or commission member; as described by the board or commission. The Board of Commissioners has the authority to add or delete information from this position description with consultation from the board or commission.
- (5) A copy of this Resolution.
- (6) Any other information deemed appropriate to fully advise potential appointees of the position or other board or commission requirements.

D. Unless otherwise provided by statute, rule, or regulation, all appointees understand that they serve at the pleasure of the Board of Commissioners, and that they may be removed from their appointment at any time, for any reason, by a majority vote of the Board of Commissioners. Further, all appointees must be advised that the Fergus County Charter limits their service to two full terms. If an appointee fills an unexpired term, he or she must understand that their appointment is only until the unexpired terms ends, and thereafter they may be reappointed for two full terms.

E. All appointees understand that they will not be entitled to payment or compensation for their service on any board or commission; unless otherwise authorized by statute, rule or regulation. However, appointees, pursuant to statute, rule, or regulation, may receive reimbursement for mileage, per diem, or other expenses they pay while conducting the business of their board or commission. However, reimbursement of expenses shall be only with prior approval and with available funding.

6. Appointment Process. Whenever a vacancy exists on a board or commission, the position shall be filled in accordance with the following procedure:

A. The Board of Commissioners shall advertise the vacancy in accordance with the provisions of Section 7-1-201, Montana Code Annotated. Advertisements shall include posting of a notice in the Courthouse, near the Board's second floor office; and near the first floor lobby, advising interested persons of the vacancy. Also, the Board of Commissioners shall fax a copy of the advertisement to local media. In addition, the vacancy shall be announced at a public meeting of the Board, and an announcement shall be made at a public meeting of the board or commission having the vacancy. Also, the vacancy shall be posted on Fergus County's website.

B. The board or commission anticipating a vacancy shall announce the existence of the upcoming vacancy at a meeting at least 30 days prior to the vacancy.

C. Any person interested in filling a vacancy on a commission or board shall submit written application. The application form shall be standardized, and may be modified from time to time by the Board of Commissioners. In addition, any specific board or commission may request the Board of Commissioners to require the submission of additional materials.

D. The Board of Commissioners may elect to conduct an interview or interviews of some or all interested persons.

E. After completion of any interviews the Board of Commissioners shall select the person to fill the vacancy. The Board shall notify the person selected by letter, with a copy provided to the board or commission to which the person is appointed.

7. Policy Suspension. The Board of Commissioners has the authority, in unusual situations, within their discretion, to suspend application of this appointment policy; and to make an

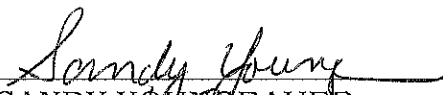
immediate appointment to any board or commission. It is not the intent of the Board of Commissioners to suspend application of this policy on a routine or regular basis; but only when circumstances justify the need for an immediate appointment.

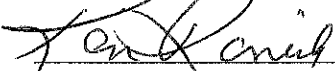
BE IT FURTHER RESOLVED that this policy shall be effective upon passage and approval of this resolution, and the Board, along with other county officers will assist the various boards and commissions with implementation of this policy.

PASSED AND APPROVED this 9th day of May,

2014.


BOARD OF COMMISSIONERS:


SANDY YOUNGBAUER


KEN RONISH


CARL SEILSTAD

ATTEST:


RANA J. WICHMAN, Clerk & Recorder