



Montana Local Government Board Handbook

A Guide to Serving on Boards, Districts, Commissions and Committees



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INTRODUCTION

This newly-revised and significantly expanded Handbook is the result of several years work teaching across Montana, addressing questions from board members and elected officials, and reviewing and evaluating curricula used in other states. For this new edition, we have assembled a group of highly-qualified Montana State University Extension educators and other professionals with experience and motivation to write and teach on the subject of board governance.

This updated Handbook contains five sections. The first section contains a summary of the principal boards in Montana, explanation of general board statutes, use of resolutions guiding boards, and statutes pertaining to special districts. The second section presents information on how to serve on a board including short summaries of pertinent laws in Montana including open meetings, code of ethics, nepotism, discrimination, wrongful discharge, *ex parte* consultations, and board liability. Section three offers guidelines for conducting board meetings with an emphasis on parliamentary procedure, ground rules, facilitator competencies, and use of by-laws. The fourth section addresses leadership and team building techniques. Last, section five describes each board in terms of creation, purpose, membership, authority, and funding with citations for the appropriate title, chapter and part of the Montana Code Annotated (MCA). Links to web sites are provided throughout the handbook, with excerpts and links directly to the MCA presented by Title-Chapter-Part. For complete detailed information, users should carefully study the MCA or the specific resolution pertaining to the board and always consult with relevant, competent, and appropriate legal counsel.

There are many boards, districts, commissions and committees in Montana, each with varying responsibilities and powers.¹ Some boards are made up of members appointed by the Governor or local government officials, others are elected by voters, while still others are made up *ex officio* by local government officials. Some boards can levy mills and issue bonds while others are purely advisory in nature with no decision making authority. Some boards are quasi-judicial and can exercise judgment and discretion by granting, denying or determining legal rights and privileges while others have no ability to adjudicate disputes. Some serve at the state level, some are termed “special districts” and considered distinct government units by the U.S. Census Bureau, while others are termed “subordinate agencies” and not counted as separate government entities even though referred to as “districts.” Some function only in municipalities, others at the county or state level and some are multi-jurisdictional. In short, there is little consistency and often misunderstanding regarding the authority, responsibility and jurisdiction of the myriad boards, districts, commissions and committees in Montana. While it is not possible to avoid all controversy, board members can minimize disagreement and ineffectiveness in procedure, process and outcome through familiarity with the Montana Code Annotated² and by being knowledgeable of techniques to improve interactions on a board or with the public.

Boards, districts, committees, or commissions are a common means of interaction between citizens and elected officials on a host of topics and issues. As a board member, you represent the interests of many citizens who may be affected by your actions or those of your fellow board members. Serving on a board carries responsibility; you need to know how much decision making authority your board has, how to recruit new members, the financial resources of your board, how to most effectively run your board meetings, and how Montana’s statutes such as the code of ethics, discrimination, wrongful discharge and open meetings law apply.

The information presented here attempts to describe and clarify many of the complex issues confronting boards in Montana. This document applies to those boards and membership thereof that are:

1. appointed and/or with oversight by local governments and,
2. open to membership to citizens in addition to local government officials and,
3. authorized and described in the Montana Code Annotated (MCA).

Serving on or interacting with the myriad boards, districts, commissions and committees in Montana offers some of the best opportunities to practice and nurture the democratic ideals we all hold dear. Understanding how to more effectively serve on a board will allow board members, local government officials and citizens to better interact and cooperate and in so doing, sow the seeds of good governance.

Paul R. Lachapelle
MSU Extension Community Development Specialist
September 1, 2011

¹ All boards, districts, commissions and committees are referred to simply as ‘boards’ throughout this document. A board, district, committee, or commissions can all be interpreted to be an “agency” defined in MCA 2-3-102(1), as “any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts.” A “rule” means “any agency regulation, standard, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of any agency” (2-3-102(3)).

² The entire text of the Montana Code Annotated in a searchable format is available on-line at: http://data.opi.mt.gov/bills/mca_toc/index.htm.

1. OVERVIEW OF BOARDS, DISTRICTS, COMMITTEES, OR COMMISSIONS IN MONTANA

In contrast to county or municipal forms of local government (that are multi-purpose governing structures performing a wide range of direct service delivery and regulatory functions), most boards, districts, commissions and committees are single-purpose entities that perform a specific function or provide a particular service. Boards can also consolidate different government responsibilities to increase efficiency. In addition, two or more local governments may provide for joint boards to be established by interlocal agreements. Many boards are mandatory while others are created at the discretion of the governing body.

There are 1,273 distinct local governments in Montana as defined by the US Census.³ These entities include county, municipal, school district, and special district governments.⁴ School districts and certain special districts can function with many of the same powers of local governments. Some districts are special taxing areas and may be governed by an appointed or elected board.⁵ However, most boards, districts, committees, or commissions have more limited responsibility or authority and thus are considered subordinate agencies of the state or of local governments.

There are 758 special districts in Montana.⁶ Many special districts are counted as local governments by the U.S. Census Bureau with three attributes:

1. Organized entity (possession of some corporate powers such as the right to sue and be sued),
2. Governmental character (requirements for public reporting or for accessibility of records to public inspection) and,
3. Substantial autonomy (considerable fiscal and administrative independence such as determining taxes to be levied and using debt without review by another local government).⁷

Some districts have autonomous governing boards, but their funding may depend on approval by the appropriate governing authority. If districts are not governed by an appointed or elected board, the local government officials *ex officio* administer board duties. Table 1 presents information on the principal boards, districts, commissions and committees in Montana.

3 U.S. Census Bureau. 2007. Census of Governments, <http://www.census.gov/govs/cog/GovOrgTab03ss.html>.

4 There are two consolidated city-county government structures that operate as one government; Anaconda-Deer Lodge and Butte-Silver Bow are classified under Montana law both as counties and as municipalities. However, Anaconda Deer Lodge and Butte-Silver Bow are each counted only once for census purposes as municipal governments rather than as county governments.

5 A special district is defined in 2-2-102(9) as a unit of local government, authorized by law to perform a single function or a limited number of functions. The term also includes any district or other entity formed by interlocal agreement. For more detail of special districts, see 7-11-1001.

6 U.S. Census Bureau. 2007. Census of Governments, <http://www.census.gov/govs/cog/GovOrgTab03ss.html>

7 U.S. Census Bureau. 2007. Census of Governments, <http://www2.census.gov/govs/cog/2007/mt.pdf>

Table 1: Principal Boards, Districts, Committees, or Commissions in Montana

Name	Montana Code Annotated (Title-Chapter-Part)
Airport	
Airport Appeals Board	67-7-302
Airport Board	67-10-201
Municipal Airport Authority	67-11-102
Regional Airport Authority	67-11-103
Economic Development / Infrastructure	
Business Improvement Districts	7-12-1111
Rural Improvement Districts	7-12-2101
Special Improvement Districts	7-12-4101
Television District	7-13-2512 (Repealed, see 7-11-1001)
Local Port Authority	7-14-1101
Regional Port Authority	7-14-1102
Local Improvement Districts	7-14-2710 (Repealed, see 7-11-1001)
Technology District	7-15-4295
Industrial Districts	7-15-4299
Museum and Facilities for the Arts Board	7-16-2201 (Repealed, see 7-11-1001)
Elections	
Board of County Canvassers	13-15-401
Fair	
Fair Commission	7-21-3401 (Repealed, see 7-11-1001)
Multi-County Fair Districts	7-21-3421 (Repealed, see 7-11-1001)
Joint Fair and Civic Center Commission	7-21-3451 (Repealed, see 7-11-1001)
Fire	
Fire Hydrant Maintenance Districts	7-12-4601
Rural Fire Districts	7-33-2101
Fire Service Area	7-33-2401
Governance	
Community Councils	7-3-223, 317, 417, and 516
County Compensation Board	7-4-2503
Health	
Solid Waste Management District	7-13-201 (Repealed, see 7-11-1001)
Hospital Districts	7-34-2101
Health Care Facilities Commission	7-34-2202
County Boards of Health	50-2-104
City Boards of Health	50-2-105
City-County Boards of Health	50-2-106
District Boards Of Health	50-2-107
Housing and Building	
County Building Commission	7-8-2103
County Housing Authority	7-15-2101
Municipal Housing Authority	7-15-4401
Land Use and Planning	
County Board of Park Commissioners	7-16-2301
County Park District	7-16-2411 (Repealed, see 7-11-1001)
Municipal Board of Park Commissioners	7-16-4201
Cemetery Districts	7-35-2101 (Repealed, see 7-11-1001)

Name	Montana Code Annotated (Title-Chapter-Part)
Land Use and Planning <i>(continued)</i>	
County Tax Appeal Board	15-15-101
County Planning Board	76-1-101
City Planning Board	76-1-101
City-County Planning Board	76-1-101
Joint or Consolidated Planning Boards	76-1-112
County Planning and Zoning Commission	76-2-101
County Zoning Commission	76-2-201
County Zoning Board of Adjustment	76-2-221
Municipal Zoning Commission	76-2-301
Municipal Zoning Board of Adjustment	76-2-321
Open Space Commission	76-6-101
Conservation District	76-15-101
Library	
Library Board	22-1-308
Public Library District	22-1-701
Livestock and other Animals	
Rodent Control District	7-22-2210 (Repealed, see 7-11-1001)
Mosquito Control Board	7-22-2411 (Repealed, see 7-11-1001)
Grazing District	76-16-101
Livestock Protective Committee	81-6-101
Cattle Protective District	81-6-201
Schools	
Elementary School Districts	20-6-201
High School Districts	20-6-301
K-12 School Districts	20-6-701
Taxation	
Resort Area District	7-6-1532
County Land Advisory Board	7-8-2701
Transportation	
Urban Transportation District	7-14-201
Transportation Improvement Authority	7-14-1001
Railway Authority	7-14-1601
Parking Commission	7-14-4601
Aerospace Transportation and Technology District	7-15-4296
County Transportation Committee	20-10-131
Water	
Regional Resource Authority	7-10-101
Metropolitan Sanitary and/or Storm Sewer District	7-13-101
County Water and/or Sewer District	7-13-2203
Local Water Quality District	7-13-4504
Regional Water and Wastewater Authority	75-6-302
Irrigation District	85-7-101
Drainage District	85-8-101
Conservancy District	85-9-101
Weeds	
Weed District	7-22-2102

General Board Statutes

County boards and certain special districts (7-11-1002, 7-11-1021) are guided by the general board statutes (7-1-201).⁸ Municipalities and school boards are not specifically governed by the general board statutes, but instead are guided by specific statutes in the Montana Code Annotated (MCA), or by resolution passed by the authorizing governing body or both.

The general board statutes require a resolution be passed with a statement that details the purpose, authority and membership of the boards (7-1-201). The resolution creating the board must grant the board the powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the board. The powers can be quasi-judicial to exercise judgment and discretion by granting, denying or determining legal rights and privileges. Members can be appointed, elected or, if the minimum number of qualified persons is not available for membership, the county commissioners may, by resolution at a public meeting, serve as board members (7-1-203). However, county commissioners may not receive additional compensation. Most boards with elections hold them according to Montana's general election laws (13-1-101). Unless specifically outlined in the statute describing the board, the following rules apply to county boards: terms of all members (except elected members) may not exceed 4 years; a board must consist of a minimum of 3 members and must have an odd number of members, and; a member must be a resident of the county to be eligible for appointment to a board (county commissioners may prescribe by resolution additional qualifications for membership). Members must be appointed by the county commissioners who must post prospective membership vacancies at least 1 month prior to filling the vacancy (7-1-201(5)). Under the general board statutes, no boards may pledge the credit of the county or impose a tax unless specifically authorized by state law (7-1-201).

The MCA does not contain a specific counterpart to the general board statutes that applies to municipal boards. The governance of boards in municipal setting depends on the form of government. In commission-executive form of government, the executive of a municipality shall "enforce laws, ordinances, and resolutions" and "appoint, with the consent of the commission, all members of boards, except the executive may appoint without the consent of the commission temporary advisory committees established by the executive" (7-3-203).

In commission-manager form of government with general government powers, "all members of boards, other than temporary advisory committees established by the manager, must be appointed by the commission" (7-3-312 and 7-3-114). The manager shall "enforce laws, ordinances, and direct, supervise, ...and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance (7-3-304). In commission-manager forms of government with self-government powers, "all members of boards, other than temporary advisory committees established by the manager, must be appointed by the presiding officer with the consent of the commission or ...the manager with the consent of the commission" (7-3-312 and 7-3-114).⁹

For commission-presiding officer form of government, the presiding officer "shall appoint, with the consent of the commission, all members of boards and committees. However, the presiding officer may appoint without the consent of the commission temporary advisory committees" (7-3-503). For town meeting form of government, the town presiding officer is the chief executive officer of the town and shall "appoint, with the consent of the town meeting, members of all boards and appoint and remove all employees of the town" (7-3-606).

For commission form of government, as is the case with most counties, "the commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials (7-3-401) and "supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county" (7-4-2110).

There may be some ambiguity regarding a general definition of a board member; some may be considered to be a 'public officer' ("any elected officer of a local government") or 'public employees' ("a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority," 2-2-102) serving with an 'agency' ("any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts," 2-3-102). Regardless of whether board members are serving in special districts, or part of a municipal or county board, and regardless of any salary or financial compensation, it is clear that members are subject to Montana's Right to Know and Right to Participate statutes including the Code of Ethics (2-2-104) and open meetings laws (2-3-101).

Resolutions Guiding Boards

Under the general board statutes (7-1-201), resolutions creating county boards must explicitly define the role and scope of the board and must specify,

1. the number of board members,
2. the terms of the members,
3. whether members are entitled to mileage, per diem, expenses, and salary, and,
4. any special qualifications for membership in addition to those established by law (7-1-201).

The general board statutes also specify that a majority of members constitutes a quorum for the purposes of conducting business and exercising powers and responsibilities. Action may be taken by a majority vote of members present and voting, unless the resolution creating the board specifies otherwise. The resolution creating a board may provide for voting or nonvoting *ex officio* members. The resolution must also contain, if applicable, budgeting and accounting requirements for which the board is accountable.

⁸ While the text of the general board statutes (7-1-201) suggest that it may be directed generically towards local governments (i.e. municipalities and counties), the intent likely pertains only to counties. In subsection 17, the statute states, "If a municipality creates a special district in accordance with Title 7, chapter 11, part 10, the governing body of the municipality shall comply with this section if the governing body chooses to have the special district governed by a separate board."

⁹ For more information on general versus self-government powers, see Montana Constitution, Art. XI, Sec. 4-6. Governments with self-government powers may choose alternative methods of establishing and governing boards as outlined in their charters.

While municipal, school district, and certain special districts are not subject to the general board statutes, the resolution or enabling legislation establishing or requiring the board should be required reading for all new members. The best boards assign a member as a watchdog to make sure these requirements are met.

Special Districts

The creation and governance of certain special districts are now detailed in 7-11-1001. Since 2009, this part of the MCA now provides detailed and uniform information on special districts regarding their creation, administration, alteration, and dissolution. The statutes do contain a savings clause and thus do not affect current special districts, but do contain exceptions, for example, when boundaries are altered, or when the method of assessment is changed. The statute (7-11-1002) does *not* include the following special districts:

- business improvement districts
- cattle protective districts
- conservancy districts
- conservation districts
- water and sewer districts
- planning and zoning districts
- drainage districts
- grazing districts
- hospital districts
- irrigation districts
- library districts

The statutes (7-11-1002) do include but are not limited to the following special districts:

- cemetery districts
- museum districts
- park districts
- fair districts
- solid waste districts
- local improvement districts
- mosquito control districts
- multijurisdictional districts

Creation of Special Districts

The authorization to create a special district can be initiated by resolution of governing body or initiated by petition (7-11-1003) which requires 40% of the registered voters or 40% of the owners of real property. The statute specifies the petition contents. Once the creation process is initiated, the processes are the same. The boundaries must be mapped, which requires that a surveyor prepare the legal description of the boundaries (7-11-1006). The boundaries must as far as practical follow existing boundaries.

At least one public hearing must be held prior to passage of a resolution of intent to create the district (7-11-1007). Notice of the hearing must be published in accordance with 7-1-2121. Notice of the hearing must be mailed to all owners of property subject to potential assessment, fees, or taxation. The contents of the resolution must designate the proposed name of the district, a statement of necessity, a general description and boundary of territory or lands to be included, the general character of the proposed service or improvements, the estimated cost and method of assessment, any requirements specific to the type of district being proposed, (i.e. solid waste), whether the district will be administered by governing body or board, and whether members will be appointed or elected (7-11-1007). An owner of property subject to assessment may protest (7-11-1008).

Administration of Special Districts

The special district may be administered by the governing body or by an appointed or elected board (7-11-1021). Specific powers delegated and powers withheld must be stated. While the governing body may grant additional powers to the board, *the governing body has ultimate authority* (7-11-1021(2)c). If the special district will be administered by a board, the board must be established in accordance with the general board statutes (7-1-201). The administrative entity of the special district may implement programs, administer budgets, employ personnel, purchase, rent, lease property and equipment, and cooperate with any corporation, association, individual, group, including governmental entities or agencies. In addition, any combination of units of local government may jointly create special districts which must be administered in accordance with an interlocal agreement (7-11-1022).

Alteration of Special Districts

Special Districts may be altered by resolution or by petition but not more than once per year (7-11-1023). The alteration cannot affect indebtedness at the time of alteration. The governing body shall assess the percentage of the cost of the program or improvements (7-11-1024). The method of assessment can be by area, equally by lot or parcel, taxable value, lineal front footage, vehicle trips or any combination of methods. The governing body shall annually estimate cost of program and must allow for protests.

When an assessment is considered erroneous, a person may file an appeal to the administrative board of the district prior to the assessment becoming delinquent. If an appeal is filed and the board finds in favor of the taxpayer, the board shall order the assessment removed or refunded. If the board does not find in favor of the taxpayer and if a payment was made under protest or the taxpayer makes a payment under protest before the assessment becomes delinquent, the taxpayer may initiate an action in court. Subsection (2) details the process of initiating an action in court (7-11-1027).

Dissolution of Special District

A special district may be dissolved upon a finding that its purpose has been fulfilled and that the district is no longer needed (7-11-1029). The dissolution may be initiated by the governing body or administrative board and may be protested. Dissolution does not relieve property owners of assessment and payment sufficient to liquidate all charges existing.

2. LEGAL ISSUES FOR BOARDS

Serving on a board requires competence of both procedure and process in order to meet the letter of the law and instill a sense of trust and credibility. The section below describes several of the more significant aspects of serving on a board including Montana's open meetings law, code of ethics, nepotism, discrimination, ex parte consultation, and liability.

Right to Know, Right to Participate

By Paul Lachapelle

Montana's "sunshine laws" are described as among the most stringent in the nation.¹⁰ These laws are outlined in Article II Section 8 (Right of participation) and Section 9 (Right to know) of the state's constitution.¹¹ In Title 2, Chapter 3, Public Participation in Governmental Operations, the Montana Code Annotated (MCA) describes provisions of the required "Notice and Opportunity to be Heard" in Part 1, and "Open Meetings" in Part 2. The open meetings law affords "reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency" (2-3-201). The open meetings laws apply to all advisory boards, commissions, committees, and districts.¹²

Open Meetings Law

The language is clear in the MCA that any legal interpretation of the open meetings laws will be liberal. The language of the code is clear and unambiguous in 2-3-201: "Public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed."

There are four essential elements in the open meetings law:

1. If a quorum, defined as the number members legally required to conduct business, is convened by either physical presence or by means of electronic equipment (2-3-202) and,
2. Members will hear, discuss or act upon issues that it has jurisdiction over, (2-3-202), then,
3. The meeting must be open to the public and the press must be permitted to record the meeting (2-3-211) and,
4. Appropriate minutes of all meetings shall be kept and made available for the public (2-3-212).

Notice and Opportunity to be Heard

Each board must develop procedures and adopt rules to facilitate public participation in decisions that are of significant interest to the public (2-3-103). The procedures include a schedule of regular meeting times and agenda prepared and posted sufficiently in advance to provide notice of the topics to be discussed and actions to be considered. The public must also be afforded a reasonable opportunity to offer information and opinions, either orally or written, before final decisions are made. A matter of significant public interest is defined as one "involving any non-ministerial decision or action...which has meaning to, or affects a portion of the community."¹³ Discrepancies as to whether a meeting is of a significant public interest should always err on the side of transparency and opportunities for public participation. Regarding the amount of time required for noticing a meeting, the Attorney General has opined that, "Forty-eight hours is generally considered sufficient to notify the public of contemplated action. ...The amount of notice given should increase with the relative significance of the decision to be made."¹⁴ It is critical to follow the established procedures and to make the procedures known to the public. There is no violation in the law by giving more notice or opportunity to be heard than is required.

The agenda for a meeting, as defined in 2-3-202, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the board's jurisdiction. However, the board may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. There are exception to the noticing statutes and include those that involve a decision that must be made to deal with an emergency situation affecting the public health, welfare, or safety or a decision involving no more than a ministerial act (2-3-112).

For municipalities, there is additional statutory language that states, "In any meeting required to be open to the public, the governing body, committee, board, authority, or entity shall adopt rules for conducting the meeting, affording citizens a reasonable opportunity to participate prior to the final decision" (7-1-4143). Cities and towns are required by statute to specify by resolution a public location for

¹⁰ Weaver, K. L. and P.R. Lachapelle. 2010. *Governing Montana at the Grass Roots: Local Government Structure, Process and Politics* (3rd ed.). Bozeman, MT: MSU Extension. 333 pages.

¹¹ Article II, Section 8. Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law. Section 9. Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

¹² Opinions of the Attorney General. 2005. Montana Department of Justice, Legal Services Division. 51 Op. Att'y Gen. No. 12. The opinions carry the weight of law, unless they are overturned by a court or the legislature changes the law or laws involved.

¹³ Opinions of the Attorney General. 1998. Montana Department of Justice, Legal Services Division. 47 Op. Att'y Gen. No. 13 <http://www.doj.mt.gov/resources/opinions1998/47-013.asp>.

¹⁴ Opinions of the Attorney General. 1998. Montana Department of Justice, Legal Services Division. 47 Op. Att'y Gen. No. 13 <http://www.doj.mt.gov/resources/opinions1998/47-013.asp>.

posting and provide a posting board. When notice is required, the document must be placed on the board and a copy made available at the municipal office (7-1-4135).

Board members should note that meetings can be statutorily different than hearings regarding the noticing requirements. See the specific statutes describing your board and the corresponding publication or mail requirements (for example, 7-1-2121 and 7-1-2122 for counties, and 7-1-4127, 7-1-4129 and 7-1-4131 for municipalities).

Meeting Minutes

The MCA states that appropriate minutes of all meetings shall be kept and be available for inspection by the public (2-3-212). The minutes must include the following:

- date, time, and place of the meeting;
- a list of the individual members of the public body, or agency in attendance;
- the substance of all matters proposed, discussed, or decided;
- and at the request of any member, a record by individual members of any votes taken.

In addition, public comment received at a meeting must be incorporated into the official minutes of the meeting (2-3-103). For municipalities, there is additional statutory language about “copying” that states, “Appropriate minutes shall be kept of all public meetings and shall be made available upon request to the public for inspection and copying” (7-1-4141).

There is no statutory guidance on taking minutes in executive session or closed session. The MCA states that “appropriate minutes of all meetings required by 2-3-203 to be open shall be kept” but makes no mention of taking minutes when meetings are closed. Be sure to consult with legal counsel before you act (See section on *Privacy Issues* for more information).

New legislation in 2011 provides additional legal structure on audio recordings. The MCA now states that if an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting but a written record of the meeting must also be made available for inspection. A log or time stamp for each main agenda item is also required (2-3-212). There is no distinction in the MCA between draft minutes and approved minutes (those accepted by the body).

Below are some guidelines that are not part of the MCA but should be considered by every board:

1. Minutes are the official record of the proceedings of a deliberative assembly, board, or committee; they are also a historical document that will be accessible in perpetuity.
2. The minutes should contain a record of what was *done* at a meeting, not what was *said* by the members; however, generally more detail is better than less.
3. There should be a designated individual to take the minutes, be it the secretary or a staff member. Be sure to be familiar with procedures in the case of an absence.
4. There should be a method of approval of the minutes. For example, draft of minutes can be circulated among the members and interested parties for corrections and improvements before the next meeting and then a formal vote can take place at the subsequent meeting.
5. The body of the minutes should contain a separate paragraph for each subject matter.
6. Motions and decisions should be clearly stated (who made the motion, who seconded, and what is the final outcome).
7. Note all actions to be taken and by whom and business left pending.
8. Amendments or corrections should be done in red ink and not rewritten. Electronic minutes can use strikethrough or Track Changes functions.
9. The minute-taker should sit near chair or presiding officer so that they can hear clearly.
10. Note late arrivals and early departures.
11. Obtain copies of reports and include them with the minutes.
12. Ensure that the minutes are impersonal and do not contain comments like “heated,” “lengthy,” “moving.”
13. Write up or transcribe the draft minutes as soon as possible.
14. The secretary or recorder should sign the minutes, particularly when they are the approved minutes.

Consider adding some of these details to your bylaws or rules of procedure (see section: *Does our Board Need By-Laws?*).

Privacy Issues

The Montana Constitution (Art. II, §10) states, “the right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.” While the open meetings law clearly provide for the right to know and right to participate, the presiding officer of any meeting may close a meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure (2-3-203). The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

The Montana courts employ a balancing test to determine whether individual privacy justifies closure of a meeting. The first part of the test is whether the individual has a subjective expectation of privacy; the second part is whether the expectation is one which society is willing to recognize. The question becomes whether protection of the private interest outweighs the merits of public disclosure.

Legal opinion has determined that certain personnel records could be closed, including matters related to family problems, health problems, employee evaluations, military records, IQ test results, prison records, drug and alcohol problems, and information “most individuals would not willingly disclose publicly.”¹⁵ Individual privacy does not extend to such issues as salary or compensation paid a public employee, to a decision on the award of a contract, or to any other expenditure of public funds or mistakes made in the course of performing official duties. For municipalities, there is additional statutory language that states, “Personal records, medical records, and other records which relate to matters in which the right to individual privacy exceeds the merits of public disclosure shall not be available to the public unless the person they concern requests they be made public. . . . Except as provided by law and as determined by the chief law enforcement administrator, law enforcement records which relate to matters in which the right to individual privacy or law enforcement security exceeds the merits of public disclosure shall not be available to the public (7-1-4144).

Certain exceptions are detailed in 2-3-203 and also include whether the discussion relates to litigation when an open meeting would have a detrimental effect on the litigating position (this does not apply regarding litigation between two government agencies or bodies) or any judicial deliberations in an adversarial proceeding.

Code of Ethics

Montana’s Code of Ethics defines and prohibits conflict between public duty and private interest (2-2-101). In short, the statute establishes that board members cannot benefit personally or financially from their position stating, “The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual’s duties for the benefit of the people of the state” (2-2-103).

Specifically, there can be no “business” conflicts, (includes a corporation, partnership, trust, foundation, or any organization, whether or not operated for profit), financial compensation, or “gifts of substantial value,” generally defined as \$50 or more of substantial value or economic benefit that would tend improperly to influence a board member to depart from impartial discharge of duties (2-2-102). The statute does not apply to a gift that is not used and returned within three days, food and beverages consumed while participating in events related to board duties, educational materials related to board duties, or an award publicly presented in recognition of public service.

Board members may not disclose or use confidential information obtained through the board that would benefit them personally or financially (2-2-104). Rules of conduct also dictate that a public officer may not use public time, facilities, equipment, supplies, personnel, or funds for private business purposes or, to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue. Board members may not use public time, facilities, equipment, supplies or funds to determine the impact of passage or failure of a ballot issue on state or local government operations (2-2-121). There is also a disclose clause in the MCA that states, “Public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict” (2-2-131).

Nepotism

Nepotism is defined as the bestowal of political patronage by reason of relationship rather than of merit (2-2-301). Board members may appoint to any position of trust or emolument any person related by “consanguinity within the fourth degree or by affinity within the second degree” (2-2-302). Relationship by affinity is defined as “the relation which one spouse has, by virtue of the marriage, to blood relatives of the other. Therefore, a person has the same relation by affinity to a spouse’s blood relatives as a spouse has to them by consanguinity and vice versa. Degrees of relationship by affinity are computed in the same manner as degrees of relationship by consanguinity” (1-1-219). Agreements to appoint relatives to office are unlawful and considered a misdemeanor with fines of \$50 to \$1,000 and imprisonment up to 6 months (2-2-304). There are exceptions depending on the county population and other specific criteria (2-2-302).

Ex Parte Communications

Issues associated with *ex parte* communications are prompting increased discussion and scrutiny in Montana. *Ex parte* consultations are regarded as a private, one-sided communication between a decision maker and a party or person concerning issues before the decision maker. While *Ex parte* communications are described in the Montana Administrative Procedures Act (MAPA) prohibiting agencies that make quasi-judicial decisions from receiving or engaging in *ex parte* consultations “except upon notice and opportunity for all parties to participate” (2-4-613), the MAPA does not apply to “units of local government” (2-4-102(2)(b)). More legal clarification pertaining to local governments and boards is likely forthcoming but in the meantime, these types are communications should be of particular concern for those serving in a quasi-judicial capacity.

For those board members serving in a quasi-judicial capacity, they should be sensitive to the types of private discussions they participate in and in particular, receipt of information or evidence. Legal counsel will advise the best course of action regarding if the information should be disclosed at a public meeting and for public record.

15 Montana Human Rights Division v. City of Billings, 199 Mont. 434, 649 P2d 1283 (1982), Available at Montana Supreme Court: <http://searchcourts.mt.gov/>.

Public Records Management

The provision of public records is a constitutionally-guaranteed right of all citizens; the MCA (2-6-102) guarantees “every citizen” the right to inspect and take copies of public writings. No person may be deprived of the opportunity to examine documents except when “the demand of individual privacy clearly exceeds the merits of public disclosure” (2-3-203).

Public records includes “any paper, correspondence, form, book, photograph, microfilm, magnetic tape, computer storage media, map, drawing, or other document, including copies of the record required by law to be kept as part of the official record, regardless of physical form or characteristics (2-6-401). Information “in electronic format or other nonprint media” is open to the public, subject to the same restrictions that apply to information in printed form (2-6-110). Thus, electronic mail sent or received in connection with the transaction of official duties would be a public record (2-6-401). Records are available under the act for copying as well as inspection (2-6-102). A fee can be charged, again using the “reasonable” criteria (see 2-6-110, 7-4-2631, and 7-4-4502).

Reporting

While there is no general language requiring filing of reports for boards under county jurisdiction or special districts, there is additional statutory language for municipalities that states, “All departments, boards, and authorities shall file an annual report with the chief executive, who shall compile the reports and present them to the governing body” (7-1-4146). The chief executive may specify the “form, content, and deadline for filing reports” (7-1-4146(2)).

Board and Board Member Liability

by John Cummings

Board members acting in good faith cannot be held personally liable if they are within the course and scope of their authority, act within the law and within established rules even if the law or rules are later determined to be unlawful (2-9-103). The state and other governmental entities (such as boards) are immune from being sued for exemplary or punitive damages (2-9-105) if they are within the course and scope of their positions. A board is not liable in a State tort action for more than \$750,000 a claim per person or \$1.5 million for each occurrence. Insurance policies are also not liable beyond this dollar limit unless the policy specifically provides coverage beyond this amount (2-9-108).

A board or board member enjoys immunity when carrying out a law, rule or policy created by a legislative body. In addition, the board is not liable for the lack or omission of a law or policy. This immunity does not include any tort committed by the use of a motor vehicle, aircraft, or other means of transportation. This immunity also does not include either personal or property damage caused by contamination to surface or ground water (2-9-111). Since all county officers and employees must be bonded, board members must have either an individual or blanket bond for the faithful performance of their duties. The bond should be provided by the county (2-9-701, 2-9-703).

In municipal settings, individuals who are elected or appointed officials (or volunteers under direct control of the municipality) and are acting on behalf of the municipality, typically maintain liability coverage when serving on committees, boards, commissions or special districts.

It is important to note that committee, board, commission or special district members must be acting within the course and scope of their position and must be acting on behalf of the municipality. It is useful to have job descriptions for these positions to assist in identifying and/or clarifying course and scope.

In summary it cannot be stressed enough that the protections afforded to boards and their members require them to act within the course and scope of their authority, act within the law, and within their governmental entity’s established rules and procedures. In many instances boards and their members will need to consult with legal counsel to ensure they are working within these parameters. If they are found to be acting outside of these parameters, and these protections, liability coverage could be denied.

Human Resources Considerations

by Betsy Webb

Board members should also be aware of the various civil rights, discrimination and wrongful discharge laws pertaining to their involvement on the board. These statutes are detailed in the Montana Human Rights Act in MCA Title 49 and more specifically, in the Montana Governmental Code of Fair Practices (49-3-101).

Discrimination

The Montana Human Rights Act provides guidance regarding discrimination. It is unlawful to discriminate in credit, education, employment, financing, housing, insurance, public accommodations, and state and local governmental services and employment. It is unlawful to discriminate because of age, marital status, national origin, physical or mental disability, race or color, religion or creed, sex (including pregnancy, maternity and sexual harassment), familial status (housing only) and political beliefs or ideas (public employees).

The laws also make it unlawful to retaliate against a person for opposing unlawful discriminatory practices or for participating in a human rights proceeding. Generally, complaints must be filed within 180 days of the date of the alleged discrimination under Montana law. More information about Montana's Discrimination laws is available through the Montana Human Rights Bureau.¹⁶

Wrongful Discharge

Some boards may have individuals that are considered employees with specific responsibilities. The "supervisor" for a board employee should be detailed in the board resolution. Depending on the language in the statute or resolution for each board, the governing authority for board members will in many cases be the local government within which the board resides or will be outlined in an interlocal agreement between multiple local government bodies. The governing authority is responsible to ensure that board members are properly trained, supervised, evaluated and warned if not performing satisfactorily.

In Montana, an employee can be discharged only for good cause after completing the employer's probationary period. Good cause is defined as reasonable, job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer's operation, or other legitimate business reason. Board members should also be familiar with Montana's Wrongful Discharge from Employment Act (39-2-901). Do not rush into the discipline or dismissal of any employee or board member. If a board member is elected, the voting process is used to remove the member from office. If a board member is appointed, the appointing body may remove a board member. However, competent legal counsel should always be consulted prior to taking any action.

For termination purposes, management must show that the employee violated a specific policy, rule, performance requirement, or standard of employment and that the employee knew about the policy, rule, performance requirement, or standard of employment. During an employee's probationary period, employment may be terminated for any reason or no reason (but not for reason contrary to public policy such as discrimination).

Employers that have written personnel policies must follow those policies in making a discharge. An employee who wins a wrongful discharge suit may collect lost wages and fringe benefits for a period of up to four years from the date of discharge. Arbitration is encouraged to save the expense of lawsuits, and an employer may benefit if it offers arbitration to a discharged employee. An established grievance process can be an effective tool for minimizing claims of wrongful or constructive discharge/termination against Montana's local governments. The grievance process should be part of the written Personnel Policy Manual and all employees and supervisors should be instructed in its use upon hire.

Confidentiality

Before discussing confidential employee information, or releasing documents of a confidential nature, seek competent legal counsel. In Montana, each employee has a right to privacy of certain records.¹⁷ If you are unsure whether a document is confidential or accessible to the public, consult competent legal advice.

Sometimes you can provide a citizen with information he or she seeks without allowing him or her to look at confidential portions of records. You can do this by reading the record yourself and giving the person information verbally or by photocopying the record and blocking out confidential portions. Board members may not use knowledge gained through their service to achieve personal gain for themselves or anyone else. Board members cannot disclose or use confidential information concerning their board service to advance personal or private interest.

Additional Resources

Montana Association of Counties web site addressing personnel matters: <http://www.mtcounties.org/insurance/personnel-services>

Montana Municipal Interlocal Authority web site addressing personnel matters: http://www.mmia.net/resources_personnel_management.asp

Montana State Human Resources Division. 2007. Discipline Handling Guide. Helena, Montana. <http://www.hr.mt.gov/content/hrpp/docs/Guides/Disciplineguide08.pdf>

¹⁶ The Montana Department of Labor and Industry is the state agency which enforces Montana's discrimination laws. The Human Rights Bureau of the Department receives and investigates complaints of discrimination. For more information, see: <http://erd.dli.mt.gov/human-rights-bureau.html>.

¹⁷ Montana Human Rights Division v. City of Billings, 199 Mont. 434, 649 P.2d 1283 (1982), Available at Montana Supreme Court: <http://searchcourts.mt.gov/>.

3. HOW TO MAKE YOUR BOARD MEETINGS MORE EFFECTIVE

Many boards rely on parliamentary procedure and Robert's Rules of Order to structure meetings and provide uniformity regarding interaction with the public. This section contains information on parliamentary procedure, Roberts Rules of Order, and the use of motions.

Preparing for your Meeting

By Paul Lachapelle

Preparing for your board meeting, and ensuring that board members have all of the necessary materials to be prepared for the meeting is critical. The agenda should be provided well in advance and as required in 2-3-103, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the board.

Board member packets can also be prepared and distributed to members prior to the meeting. The packet can contain the following:

- Agenda
- Unapproved minutes from previous meeting
- Notes from members / governing body
- Committee and other reports
- Details of proposed actions
- Any supporting information (correspondence, reports, etc.)
- Other useful documents

The agenda can be structured as follows:

1. Roll Call
2. Approval of Minutes: These are the minutes from the previous meeting. The body should vote to approve without changes or approve with changes.
3. Public Comment: This is the time set aside for the public to comment on any subject over which the board has jurisdiction or regarding a agenda item. The subject does not have to be on the agenda but the council cannot act on anything during public comment. If council action is required the item must be placed on the next meeting agenda.
4. Old Business:
 - a. Officer reports: for example, the treasurer may have a report to provide and explain
 - b. Committee Reports: these can include a report of current activities or special committee reports
5. New Business:
 - a. Approval of consent items if any; these are routine items that are voted on in a single motion to approve
 - a. Other scheduled matters
6. Unscheduled matters / Concerns: This is a time when members can bring a concern forward before the body that is not otherwise listed on the agenda. No action can be taken at this time.
7. Adjournment

Parliamentary Procedure and Robert's Rules of Order

By Dan Clark

Parliamentary procedure is a method used to assist deliberative democratic assemblies in conducting meetings by using explicit rules and relying on transparency and consistency. These rules allow participants in a meeting the chance to be heard while maintaining order. Parliamentary procedure provides an important tool to ensure that decisions are reached in an orderly, equitable and deliberative manner. The general principles of parliamentary procedure are based on the will of the majority, the right of the minority to be heard, protection of the rights of absentees, courtesy and justice for all, and consideration of one subject at a time. Robert's Rules of Order provide a common language that incorporates these principles to conduct a meeting.

Robert's Rules of Order originated from U.S. Army General Henry M. Robert in 1876 to assist deliberative democratic assemblies in conducting meetings. While procedures used by the U.S. legislative bodies in this period loosely followed English Parliamentary Law, the various legislative bodies revised and interpreted these procedures inconsistently often causing confusion. Robert's interest in creating these rules came from frustration while attempting to serve on a church board. He felt he lacked knowledge on proper procedures and found little published information on the subject and subsequently published the *Pocket Manual of Rules of Order for Deliberative Assemblies*.

Robert's Rules of Order have subsequently been revised and updated.¹⁸ The current edition of the series is *Robert's Rules of Order Newly Revised* (often referred to using the initials *RONR*) and supersedes all previous editions to become the parliamentary authority in organizations whose bylaws prescribe "Robert's Rules of Order," "Robert's Rules of Order Revised," "Robert's Rules of Order Newly Revised," or "the current edition of" any of these titles, without specifying a particular edition. Robert's Rules is the most widely used

¹⁸ See Robert's Rules of Order, <http://www.robertsrules.com>

parliamentary authority in the United States.¹⁹ All of the recommended procedures in Robert's Rules of Order can be modified to fit the specific needs of any organization.

How to Use Motions

Four basic types of motions (main, privileged, subsidiary, and incidental) are used within a meeting to introduce topics or ask the membership to take action on an issue. These different types of motions allow participants the opportunity at various occasions during the meeting to make motions, second motions, debate motions and vote on motions.

A main motion serves to announce items to be taken under consideration by the meeting attendees. Main motions are secondary to privileged, subsidiary and incidental motions and not allowed if another motion is already being discussed. Subsidiary motions are used to change the method of handling a main motion and must be voted on prior to voting on the main motion. Privileged motions allow subjects that are urgent to be discussed even when they do not relate to the business currently at hand. Incidental motions are used by members who wish to question how another motion is being processed. Incidental motions then take precedent before the original motion can continue.

Presenting a Motion

When a member would like to present a motion they must first obtain the floor by waiting until the previous speaker has finished and then rising and addressing the chairperson (or president) and saying, "Mr. (or Madam) Chairman," and then waiting to be recognized. Motions are made in a positive manner and generally begin with, "I move that we...". After the motion is presented, another member must second the motion for the motion to move forward. The chairperson will then restate the motion and begin by saying, "It has been moved and seconded that we..."; this statement opens up the motion for debate and turns the motion into "assembly property."

If debate is not necessary or allowed on a motion, a vote can then take place. If debate is needed, the individual who made the motion is allowed to speak first. Other members are then given the opportunity to present their thoughts on the motion. The member who presented the motion cannot speak on the matter again unless directed by the chairperson or until everyone else has had an opportunity. A time limit per speaker is often set up prior to discussion. All discussion is directed towards the chairperson. After debating the motion, the chairperson will ask, "Are you ready to vote on the question?" A vote is then taken if no more discussion is necessary.

Procedures for Voting on a Motion

The method used to vote depends on the needs of the assembly. More often, a simple voice vote is taken with the chairperson stating, "everyone in favor of the motion say aye, and everyone opposed to the motion say no." A variation can be used when records need to be kept indicating how everyone has voted. For the roll call method, each person's name is called and a vote is then verbally given. The chairperson may also choose to bypass the vote and obtain general consent. The chairperson would say, "If there is no objection..."; anyone can speak up at this point and state they do object followed by a vote.

Vocabulary used in a Board Meeting

Robert's Rules of Order and other parliamentary procedures contain specific vocabulary to be used at board meetings.

- **Point of Privilege:** This term refers to the right of the person speaking to have the floor and not be interrupted by others.
- **Parliamentary Inquiry:** Method to raise a point of order or to ask how to proceed when unsure of the proper motion.
- **Point of Information:** This term refers to the method used to ask the speaker a question.
- **Orders of the Day (Agenda):** If the meeting is not following the agenda a member may call orders of the day to remind the assembly to adhere to the agenda. If the members would like to deviate from the agenda, "suspending the rules" is necessary.
- **Point of Order:** Point of order is raised if a rule has been broken or a member is not using the proper meeting protocol to speak. A point of order needs to be raised right after the error occurs.
- **Divide the Question:** This term is used when a motion is split into two or more new separate motions.
- **Consider by Paragraph:** When considering adoption of a document, adoption of the full document can be postponed until each and every paragraph has been debated and if necessary amended.
- **Withdraw/Modify Motion:** After the question is stated; the person who made the motion may accept an amendment to the motion.
- **Commit /Refer/Recommit to Committee:** Sometimes a committee is needed to research a motion. In this case, an already established committee is assigned the question or a new committee is appointed. If a new committee is necessary, the chairperson may indicate how many members are needed and how selection of committee members should occur.
- **Extend Debate:** Calling to extend debate can be used for the question currently under debate and usually has a time limit.
- **Limit Debate:** This term is used to refer to the time limit placed upon debate and when debate should be considered closed.
- **Postpone:** If a motion or agenda item needs to be postponed, it is necessary to determine and state when it will be resumed.
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated.
- **Lay on the Table:** This tool is used after a motion is closed to debate or is pending closure and can temporarily stop further consideration or action on the open motion.

¹⁹ National Association of Parliamentarians is an association of approximately 4,000 members which provides education and accreditation certifications for parliamentarians; <http://parliamentarians.org/procedure.php>.

- **Take from the Table:** If a motion has been previously “laid on the table,” it can be opened and considered again by stating the motion to “take from the table.”
- **Reconsider:** If a member on the prevailing side of a debate changes their view, they can state they have reconsidered.
- **Postpone Indefinitely:** Postponing a motion indefinitely stops the motion from proceeding forward just in that particular session, unless a motion to reconsider is made.
- **Informal Consideration:** This term refers to changing the debate to an informal format similar to that of a committee. To move to an informal consideration format a member moves that the assembly go into “Committee of the Whole.” Voting is still done formally and is still valid while the meeting is in an informal mode.
- **Appeal Decision of the Chair:** The membership may appeal a decision made by the chair if the appeal does not relate to the violation of order of business or parliamentary rules. Appeals must also take place prior to other unrelated business.
- **Suspend the Rules:** This allows specific, stated rules with the exception of the assembly’s constitution to be suspended.

Table 2 presents the common motions and corresponding language used in a board meeting. The first thirteen motions are listed by precedence.

Table 2: Common Motions Used in a Board Meeting.²⁰

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Main Motions							
Main Motion	“I move that we...”	No	Yes	Yes	Yes	Majority	Yes
Subsidiary Motions							
Lay on the table	“I move to lay the question on the table” or “I move that the motion be laid on the table”	No	Yes	No	No	Majority	(3)*
Previous question (to close debate)	“I move the previous question” or “I move we vote immediately on the motion”	No	Yes	No	No	2/3 of assembly	Yes
Limit-extend debate (12)	“I move the debate be limited to. . .” or “I move that the speaker’s time be extended by. . .”	No	Yes	No	Yes	2/3 of assembly	Yes
Postpone to a definite time (12)	“I move that the question be postponed until. . .”	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee (12)	“I move to refer the matter to the . . . committee”	No	Yes	Yes	Yes	Majority	Yes
Amendment to the main motion (12)	“I move to amend by adding/ striking the words. . .”	No	Yes	(5)	Yes	Majority	Yes
Postpone indefinitely (12)	“I move that the motion be postponed indefinitely”	No	Yes	Yes (16)	No	Majority	(4)
Privileged Motions							
Fix time for next meeting (12)	“I move that we meet next at...”	No	Yes	No	Yes	Majority	Yes
Adjourn	“I move that we adjourn”	No	Yes	No	No	Majority	No
Take a recess (12)	“I move that we recess. . .”	No	Yes	No	Yes	Majority	No
Raise a question of privilege	“I rise to a question of privilege affecting the assembly”	Yes	No	No	No	(1)	No
Call for the orders of the day	“I call for the orders of the day”	Yes	No	No	No	(1) (15)*	No

²⁰ Source: Robert, H. 2000. *Robert’s Rules of Order* (Newly Revised, 10th Edition) New York: Perseus Books Group; Sturgis, A. 2000. *The Standard Code of Parliamentary Procedure* (4th Edition). New York: McGraw-Hill.

	Wording	Interrupt another speaker	Requires a second	Debatable	Amendable	Vote Required	Reconsider
Incidental Motions (11)							
Suspension of rules	"I move to suspend the rules so that. . ."	No	Yes	No	No	(9)*	No
Request to withdraw a motion (13)	"I move that I be allowed to withdraw the motion"	*	*	No	No	Majority*	(3)
Objection to the consideration of a question (10)	"I object to the consideration of the question"	Yes	No	No	No	2/3 of assembly (17)	(3)
Point of order	"I rise to a point of order" or "Point of order!"	Yes	No	No	No	(1)*	No
Parliamentary inquiry	"I rise to a parliamentary inquiry" or "A parliamentary inquiry, please"	Yes	No	No	No	(1)	No
Appeal to the chairperson	"I appeal from the decision of the chair"	Yes	Yes	Yes*	No	(7)	Yes
Point of information	"I rise to a point of information" or "A point of information, please"	Yes	No	No	No	(1)	No
Division of assembly	"Division!" or "I call for a division"	Yes	No	No	No	(14)	No
Division of a question	"I move to divide the motion so that the question of purchasing decorations can be considered separately."	No	Yes	No	Yes	Majority	No
Renewal Motions (8)							
Reconsider* (2)	"I move to reconsider the vote on the motion relating to. . ."	No*	Yes	(5) (16)	No	Majority	No
Take from table	"I move to take from the table the motion relating to. . ."	No	Yes	No	No	Majority	No
Rescind	"I move to rescind the motion passed at the last meeting relating to. . ."	No	Yes	Yes (16)	Yes	(6)	(3)
Discharge a committee	"I move that the committee considering . . . be discharged."	No	Yes	Yes (16)*	Yes	(6)	(3)

* Refer to *Robert's Rules of Order Newly Revised*

- (1) The chair decides. Normally no vote is taken.
- (2) Only made by a member who voted on the prevailing side and is subject to time limits.
- (3) Only the negative vote may be reconsidered.
- (4) Only the affirmative vote may be reconsidered.
- (5) Debatable when applied to a debatable motion.
- (6) Majority with notice, or 2/3 without notice or majority of entire membership.
- (7) Majority or tie vote sustains the chair.
- (8) None of these motions (except Reconsider) are in order when business is pending.
- (9) Rules of order, 2/3 vote—Standing rules, majority vote.
- (10) Must be proposed before debate has begun or a subsidiary motion is stated by the chair (applied to original main motions).
- (11) The Incidental Motions have no precedence (rank). They are in order when the need arises.
- (12) A Main Motion if made when no business is pending.
- (13) The maker of a motion may withdraw it without permission of the assembly before the motion is stated by the chair.
- (14) The chair can complete a Division of the Assembly (standing vote) without permission of the assembly and any member can demand it.
- (15) Upon a call by a single member, the Orders of the Day must be enforced.
- (16) Has full debate. May go into the merits of the question which is the subject of the proposed action.
- (17) A 2/3 vote in negative needed to prevent consideration of main motion.