

RESOLUTION 22-2010
PROVIDING FOR REORGANIZATION OF THE MADISON COUNTY
WEED DISTRICT BOARD AND ESTABLISHING BY-LAWS

WHEREAS, the Legislature of the State of Montana enacted Sections 7-1-201 through 7-1-203, MCA, allowing the BOARD OF COUNTY COMMISSIONERS to establish certain administrative boards, districts and commissions by adoption of resolutions; and

WHEREAS, the BOARD OF COUNTY COMMISSIONERS has determined it is appropriate and desirable to provide the Madison County Weed Board with clarification as to the organization, membership, terms, authority, rules and responsibilities of the Madison County Weed District Board, setting forth the same pursuant to 7-1-201 through 7-1-203, MCA, and 7-22-2101 through 7-22-2153, MCA; and

WHEREAS, 7-22-2103, MCA authorizes the appointment of a District Weed Board subject to the provisions of 7-1-201 through 7-1-203, MCA.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

#1. The Madison County Weed District shall encompass all land located within Madison County.

#2. The Madison County Weed District Board shall consist of:

- a. One member from the Silver Star/Twin Bridges area
- b. One member from the Sheridan/Alder area
- c. One member from the Cardwell/Harrison area
- d. One member from the Ennis area
- e. One member at large

#3. The terms of the Madison County Weed District Board members shall commence the 1st day of January. The members shall serve staggered three (3) year terms on the board so that no more than two (2) terms expire in any given year. Pursuant to this resolution, members appointed in 2010 will be appointed for one (1), two (2), and three (3) years of service in order to establish this staggered pattern.

#4. Weed Board members shall be entitled to mileage and expenses in accordance with established Madison County rates for attendance at Board meetings and for conducting official Weed District business.

#5. Weed Board members shall be residents of Madison County and have demonstrated a commitment to weed management and be willing to attend meetings and other functions related to weed management.

#6. Members must be appointed by the BOARD OF COUNTY COMMISSIONERS. The Commissioners shall post prospective membership vacancies at least one month prior to filling the vacancy.

#7. The BOARD OF COUNTY COMMISSIONERS shall maintain a register of appointments which shall include: the date of appointment to the Board, the length of term, the name of the Board, name and term of the presiding officer and other officers of the Board, and the date, time and place of regularly scheduled meetings..

#8. The Weed District Board is hereby assigned the responsibility for the administration of the Weed District as provided by law and shall possess and perform all duties set forth in Title 7, Chapter 22, part 21, MCA, Section 7-22-2109. Powers and duties of board listed as follows:

POWERS AND DUTIES OF BOARD

#1. In addition to any powers or duties established in the resolution creating a District Weed Board, the board may:

- a. Employ a program coordinator and other employees as necessary and provide for their compensation within the guidelines of the Madison County Personnel Policy and administered by the Board of Madison County Commissioners.
- b. Purchase chemicals, materials and equipment and pay other operational costs that it determines necessary for implementing an effective noxious weed management program. The costs must be paid from the noxious weed fund.
- c. Determine what chemicals, materials, or equipment may be made available to persons controlling weeds on their own land and determine cost for chemicals, materials, or equipment must be paid by person.
- d. Enter into cost share agreements for noxious weed management.
- e. Enter into agreements with the Department of Agriculture for the control and eradication of any new exotic plant species not previously established in the state.
- f. Enter into agreements with commercial applicators, as defined in 80-9-102 MCA, for the control of noxious weeds.
- g. Perform other activities relating to weed management.

#2. The Board shall:

- a. Administer the District's noxious weed management program;
- b. Establish management criteria for noxious weeds on all lands within the district;
- c. Make all reasonable efforts to develop and implement a noxious weed management program covering all land within the district;
- d. Have a Noxious Weed Management Program that is reviewed and approved by the Board every two (2) years;
- e. Implement management standards for noxious weeds as designated by the Montana Department of Agriculture;
- f. Perform other activities authorized by law relating to weed management.

#9. The County Weed District Board will provide for public comment on the County Weed Management Plan.

#10. The Weed District Board shall abide by the Madison County Personnel Policy Manual as adopted by the Madison County BOARD OF COMMISSIONERS.

#11. A Majority of the members of the Weed district Board constitutes a quorum for the purpose of conducting business and exercising powers and responsibilities; action may be taken by a majority of members present and voting.

#12. The Weed District Board shall organize by electing one of its members as Chair of the Board and one of its members Vice-Chair.

#13. The date, time, place and agenda of all regular meetings shall be provided to the BOARD OF COMMISSIONERS by Monday noon prior to said meeting for public notification.

#14. The Weed District Board shall provide for the keeping of written minutes, including final vote on all actions.

#15. A person may be removed from the Weed District Board for cause or by having three (3) consecutive unexcused absences from regularly scheduled meetings, no longer residing in designated area representing, conflicts or incidents which may be deemed adverse to the duties set by the BOARD OF COUNTY COMMISSIONERS. A Board member serves at the pleasure of the Board of County Commissioners.

#16. The Weed District Board will maintain records pertinent to operation of the District, prepare and present an annual budget and execute any record keeping requirements specified by the BOARD OF COUNTY COMMISSIONERS

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS THIS 22nd DAY OF JUNE, 2010.

JAMES P. HART, CHAIRMAN

ATTEST:

DAVID SCHULZ

Peggy Kaatz
Clerk and Recorder

MARILYN ROSS

BOARD OF COMMISSIONERS
MADISON COUNTY

MADISON COUNTY WEED DISTRICT BOARD BYLAWS
WEED BOARD PROCEDURES AND ADMINISTRATION

Sec. 1 Table of Contents

Sec. 1	Table of Contents
Sec. 2	General Description
Sec. 3	Establishment
Sec. 4	Jurisdiction
Sec. 5	Purpose
Sec. 6	Powers, and Duties
Sec. 7	Board Representation
Sec. 8	Board Officers
Sec. 9	Administrative Secretary
Sec. 10	Meetings
Sec. 11	Board Compensation
Sec. 12	Legal Representation

Sec. 2 General Description

There shall be a weed management district formed in every county and the Board of County Commissioners shall appoint a district weed board. (Title 7, Chapter 22, Part 21 County Weed Control, of Montana Local County Weed Act).

Sec. 3 Establishment

The Madison County Weed District Board is created. (Title 7, Chapter 1, General Provisions, Part 2, Boards, MCA), Madison County Board of Commissioners Resolution 22-2010, Dated: June 22, 2010.

Sec. 4 Jurisdiction

The Jurisdiction of the Weed Board shall include all lands within the boundaries of Madison County. (7-22-2102, MCA). Special Weed Management districts may be extended to include portions of adjacent counties, with the approval of county commissioners and the weed boards of the affected counties.

Sec. 5 Purpose

To oversee the planning, implementation, and coordination of an integrated program for prevention, containment, suppression and possible eradication of State, and County declared noxious weeds.

Sec. 6 Powers and Duties

The Board shall

- a. Administer the District's noxious weed management program;
- b. Establish management criteria for noxious weeds on all lands within the district;

- c. Make all reasonable efforts to develop and implement a noxious weed management program covering all land within the district;
- d. Have a Noxious Weed Management Program that is reviewed and approved by the Board every two (2) years;
- e. Implement management standards for noxious weeds as designated by the Montana Department of Agriculture;
- f. Perform other activities authorized by law relating to weed management.

The Board May

- g. Employ a program coordinator and other employees as necessary and provide for their compensation within the guidelines of the Madison County Personnel Policy and administered by the Board of Madison County Commissioners.
- h. Purchase chemicals, materials and equipment and pay other operational costs that it determines necessary for implementing an effective noxious weed management program. The costs must be paid from the noxious weed fund.
- i. Determine what chemicals, materials, or equipment may be made available to persons controlling weeds on their own land and determine cost for chemicals, materials, or equipment must be paid by person.
- j. Enter into cost share agreements for noxious weed management.
- k. Enter into agreements with the Department of Agriculture for the control and eradication of any new exotic plant species not previously established in the state.
- l. Enter into agreements with commercial applicators, as defined in 80-9-102 MCA, for the control of noxious weeds.
- m. Perform other activities relating to weed management.

Sec. 7 Board Representation

- Board members shall be appointed by the Board of Commissioners. Openings shall be posted one month prior to filling vacancy.
- Weed District Board shall consist of five voting members.
- Board members shall be residents of Madison County, have a commitment to weed management and be willing to attend meetings and other functions related to weed management.
 - Special qualifications for membership shall include: (1) member from the Silver Star/Twin Bridges area, (1) member from the Sheridan/Alder area, (1) member from the Cardwell/Harrison area, (1) member from the Ennis area, (1) member at large.
 - Each member shall be appointed to a (3) year term except in the initial creation of the Board where terms will be staggered.
- Removal from Board: A Board Member may be removed from the Board by the Board of County Commissioners should the following conditions exist:
 - A Member who misses (3) consecutive unexcused regular monthly Board meetings.
 - A Member moves outside of Madison County.

- Conflict of interest that prevents the member from participating to the satisfaction of the Board of County Commissioners.
- Any single or multiple incident(s) which may be deemed adverse to the purpose and objectives of the County Weed District Board.
- A member serves at the pleasure of the Board of County Commissioners.

Sec. 8 **Officers**

- Election. At the annual February meeting of the Board, the members shall elect a chairperson, and vice-chairperson.
- Terms of office shall be for (1) year for all elective offices.
- Duties of the Chairperson:
 - Preside at all meeting of the Board
 - Execute legal documents on behalf of the Board
 - Call special meeting of the Board
 - Other duties as assigned or undertake
- Duties of the Vice-chairperson shall conduct all meetings and business of the Board in the Chair's absence.

Sec. 9 **Administrative Secretary**

- The Board may appoint a staff member to serve as an administrative secretary, who shall:
 - Keep minutes of the Board meetings in one or more books provided for that purpose;
 - ✓ Minutes of all Board meetings shall be kept by the Administrative Secretary of designee,.
 - ✓ Minutes of all meetings shall be made available for public inspections at the Weed District Office. The minutes need not have detailed reports of discussions but shall include all motions and, upon request of any Board member, a roll call vote of the members. The minutes shall include the names of members and staff present, the members absent, and the names of all members of the public attending, if possible.
- See that all notices are duly given in accordance with the provision of these Bylaws or as required by law;, and
- Bring a copy of these Bylaws to every meeting.

Sec. 10 **Meeting**

- **Agenda.** The staff shall develop an agenda and agenda will be distributed to the Board. The agenda shall contain an item allowing the public a comment on non-agenda items.
- **Notice of Meetings.** The Administrative Secretary shall notify all members of all meetings either orally or in writing. No special meeting shall be held unless diligent efforts have been made to notify all members. Notice shall also comply with Open Meeting Requirements.
- **Open Meeting Requirements.** All meetings of the Board are open to the public. Section 2-3-203 part 1, MCA. Meetings may be closed to the public when the discussion relates to a

matter of individual privacy and then only if the Chair determines that the demands of the individual privacy clearly exceeds the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting remains open to the public. Section 2-3-203 part 2 & 3 MCA. To comply with the spirit and intent of the Open Meeting Law, appropriate public notice shall be given of all Board meetings, regular and special. Notice shall include at a minimum publication of the Board's agenda in accordance with Section 7-1-2101, MCA.

- **Parliamentary Procedure.** All decisions of the Board shall be made by motion, requiring a second, with discussion on the motion to follow. Final action on a motion shall be made by vote.
 - The Chair, being a co-equal member of the Board, shall in addition to presiding, have a right to participate in debate, and shall vote on all motions, and not only where the vote of the chair would create a break of a tie.
 - A motion, once started and seconded, limits the debate to points relevant to the motion. Prior to a formal motion being stated, general discussion of, and the presentation of information relevant to an agenda item being considered is in order.
 - Before the consideration of any measure or the taking of any action, for which a public hearing has not been previously held, the Chair may allow members of the audience to be heard prior to discussion by Board members. The Chair may reasonably limit audience participation at any time.
 - Reconsideration of any action of the Board may be allowed at any time, upon motion of any members. In order to reconsider a previous action of the Board, a majority of the members must vote to reconsider.
 - Routine matters, such as setting meeting times and adjournment, may be consensus rather than by motion and vote.

- **Public Comment.** At the end of each meeting open to the public, the Board shall provide for an opportunity for the public to comment on matters of significant interest to the public and related to the Board's powers and functions. The Board may limit this comment only to items not on the agenda for the meeting.

Sec. 11 Compensation and expenses of members

- Voting Board members that travel to regular or special Board meetings shall receive mileage at the current government rate. No other compensation shall be allowed. The provisions of Section 2-9-305 MCA, apply to members, coordinators, and all employees of the District.

Sec. 12 Legal Representation

- The Board may call upon the County Attorney for legal advice and services as it may require.