



Fall Commission Meeting

October 26, 2012
Helena, Montana

servemontana
GOVERNOR'S OFFICE OF COMMUNITY SERVICE

Itinerary

- 9am-10am Commission Visits to Volunteer Organizations in Helena
Meet at the Governor's Office of Community Service
Old Board of Health – 3rd Floor
- 10:30am-1pm Roberts Rules Training for Commissioners (lunch provided)
Metcalf Building – Glacier Room
- 1:30pm-4pm Commission Meeting – see agenda below
Capitol Building – Room 317

Agenda

(Note: All times are tentative)

- I. Chair Kim Miske Welcomes and Opens Meeting- **1:30 pm**
 - a. Roll Call
 - b. Approval of June 15, 2012 minutes
 - c. Announcements

- II. Governor's Office of Community Service Updates- **1:45 pm**

- III. Competitive Funding- **2:05 pm**
 - a. **Action Item**- Proposed change in process

- IV. 2013 State Service Plan (Action Item)- **2:15 pm**
 - a. 2012 State Service Plan recap
 - b. **Action Item**- 2013 State Service Plan draft

- V. Transition- **2:30 pm**
 - a. Information for the next administration
 - b. Executive Director ideal characteristics
 - c. Next steps

- VI. ServeMontana Symposium Feb 28 and March 1- **3:10 pm**
 - a. Awards Workgroup

- VII. Commissioner Reports and Updates- **3:15 pm**
 - a. *Commissioners, please share recent volunteer engagements*

- VIII. New Business- **3:30 pm**
- IX. Public Comment- **3:40 pm**
- X. Adjourn- **4:00 pm**
Next Commission Meeting (Video Conference) December 14

The Basics of Robert's Rules of Order



presented by
Jane Rhodes

State Human Resources Division • PO Box 200127 • Helena, MT 59620-0127 • (406) 444-3871

<http://pdc.mt.gov>

Professional
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Center



Purpose of Robert's Rules of Order

... based on **common sense** and **logic**...

The rules protect:

- (a) the rights of the majority to decide
- (b) the rights of the minority to be heard
- (c) the rights of individual members
- (d) the rights of absentees



The Ten Basic Rules

1. The rights of the organization supersede the rights of the individual.
2. All members are equal with equal rights.
3. A quorum must be present to do business.
4. A simple majority rules unless otherwise stipulated in the bylaws.
5. Silence means consent.
6. Two-thirds vote rule – necessary when limiting or taking away the rights of members
7. One question at a time - one speaker at a time
8. Motions must receive full debate – no motion to vote may be made if members wish to continue debate unless 2/3 agree
9. Once a decision is made, an identical motion may not be brought forward at the same meeting.
10. Personal remarks in a debate are ALWAYS out of order.

★ Order under fire ★

- ◆ Federal, state, and local laws
- ◆ Parent organization
- ◆ Adopted special rules of order
- ◆ Adopted parliamentary authority

Remember: Robert's Rules of Order never supersede federal, state, or local laws that govern meetings. They do not supersede by-laws of organizations, but serve as a guide to running effective meetings. If an organization's by-laws follow Robert's Rules of Order as their parliamentary authority, then those rules apply as long as they are not in conflict with law.

Classes of Motions

1. Main Motion
 2. Subsidiary Motion
 3. Privileged Motion
 4. Incidental Motion
 5. Bring a Question Again Before an Assembly
- } **Secondary Motions**



Main Motions

- ◆ Brings new business before the assembly
- ◆ Needs a second, is debatable and amendable, requires a majority vote to adopt
- ◆ Motion is phrased in the positive
- ◆ A motion contains:
 - * **Who:** the maker of the motion
 - * **What:** the action to be taken
 - * **When:** the timeframe for action taken
- ◆ Once made and seconded, action is taken before another motion is considered.
- ◆ **Order of precedence:** the lowest ranking of all motions.

Subsidiary Motions - change or dispose of motions

- ◆ **Postpone Indefinitely** – used to kill a motion – taking no position, the motion dies
- ◆ **Amend** - adding or striking words to the motion
- ◆ **Refer to a Committee** – call a committee to investigate a proposal
- ◆ **Committee of the Whole** –members speak unlimited number of times, vote later
- ◆ **Postpone Definitely** – delay a decision to a later time
- ◆ **Previous Question (Close Debate)** – stops debate and calls for an immediate vote
- ◆ **Lay on the Table** – defers a motion for a more pressing matter

Amendments to motions --- **must be . . .**

- ◆ clearer for the reader
- ◆ more complete
- ◆ more acceptable to the membership

An amendment must be germane to the motion to be in order.

Ways to amend a motion:

- Add or strike out words
- Substitute words or paragraphs

Privileged Motions – not related to main motion, but to matters of immediate importance arising in meetings

Call for Orders of the Day – call to conform to order of business/agenda

Raise a Question of Privilege—relates to immediate rights of a member

Member: “Madam President, I rise to a question of privilege concerning the assembly.”

President: “Please state your question.”

Member: “It is too hot in here. Can we have the heat turned down?”

For executive sessions:

Member: “Chairman Smith, I rise to a question of privilege to make a motion.”

President: “Please state your motion.”

Member: “I move that we go into executive session to discuss this issue.”

President: “The chair rules that the question is one of privilege to be entertained immediately. Is there a second?”

Member 2: Second

President: “It is moved and seconded to go into executive session. Is there any discussion?”

Recess – short intermission

Adjourn – end a meeting immediately

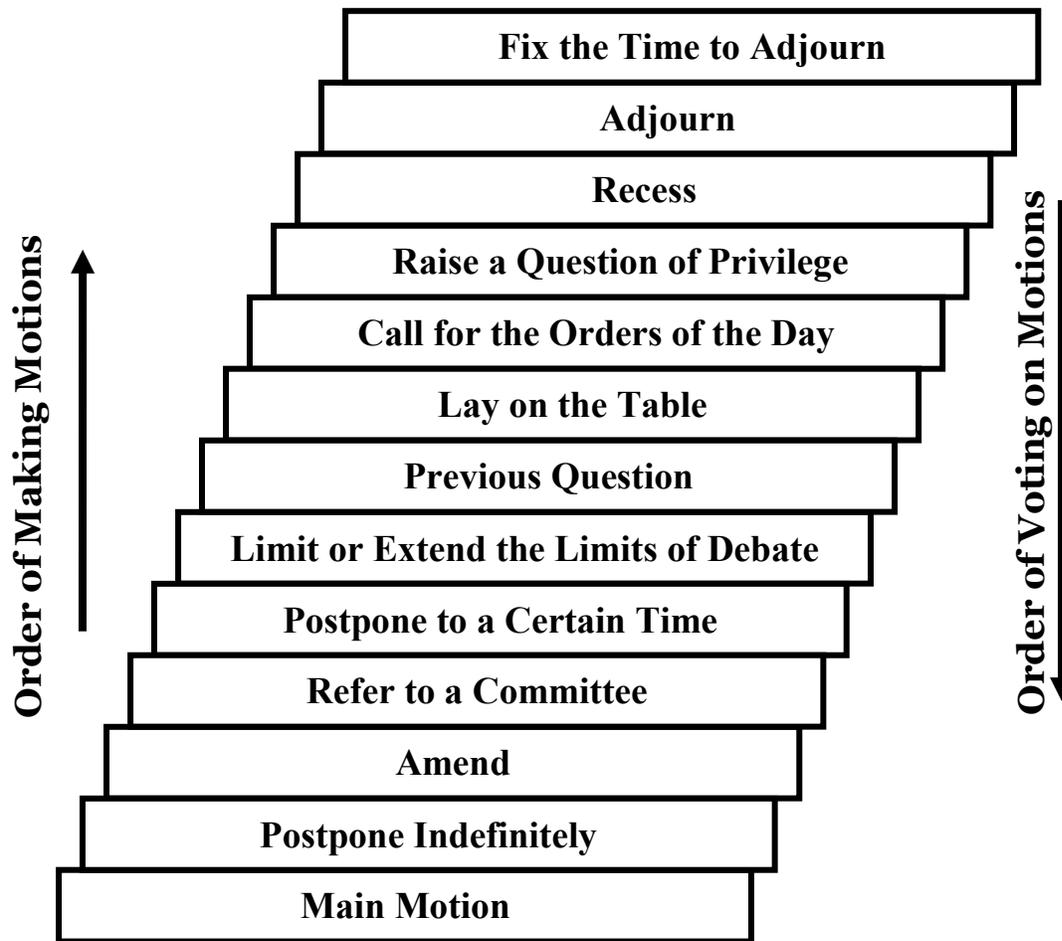
Incidental Motions – when procedural questions arise

- ◆ **Point of Order** – correct a breach in rules
- ◆ **Appeal the Ruling of the Chair** – disagree with the ruling of the chair
- ◆ **Division of the Assembly** – to call for a revote when member doubts results
- ◆ **Suspend the Rules** – set aside a parliamentary rule that does not violate by-laws
- ◆ **Division of the Question** – divide motion into smaller topics



“We will conduct this meeting according to Robert’s Rules of Order “and if need be, the “Marquis of Queensbury’s Rules!”

Ladder of Motions in Order of Rank



Making a Motion

1. Rise and address the chair - "Mr. /Madam President. . ."
2. The chair recognizes you (by name or nod)
3. State the motion: "I move that ..." or "I move to ..."
4. Must be seconded by another member.
5. The chair restates the motion and places it before the assembly: "It is moved and seconded thatIs there any discussion?"
6. Members discuss the motion by addressing the chair, and being assigned the floor to speak. The person who **makes the motion** has **the first right** to speak to the motion.
7. After the debate, the chair puts the motion to a vote.
8. After the vote is taken, the chair rules which side won the vote.

General Consent - for noncontroversial issues, such as

- ◆ Paying bills
- ◆ Approving minutes
- ◆ Answering correspondence
- ◆ Closing nominations
- ◆ Considering reports and recommendations
- ◆ Adjourning

To determine **general consent** the chairman says,
“If there are no objections, we will . . .” or “Hearing no objections, we will. . .”

By-Laws – the most important document of the organization

Composition:

- ◆ Name of the organization
- ◆ Object or purpose
- ◆ Members (active, inactive, honorary)
- ◆ Officers (list, term of office, eligibility)
- ◆ Meetings (sets the day, defines a quorum, provisions for calling a special meeting, nomination process)
- ◆ Executive Board
- ◆ Committees (identifies standing committees)
- ◆ Parliamentary authority (which parliamentary authority is used/ which edition)
- ◆ Amendments (provides for a means for making changes to the bylaws)



Informal Meetings – specifically for boards and committees whose membership is under 12

- ◆ Presiding officer is generally seated to put motions to a vote
- ◆ Members do not have to rise to address the chair
- ◆ Members may speak any number of times, and usually no motion is required to close debate
- ◆ Chair may enter into the discussion and make motions unless board rules dictate otherwise.

Proxy Voting

- ◆ Do your bylaws provide for proxy voting?
- ◆ Are proxies counted in the quorum and how?
- ◆ Will the proxy be a general proxy or a limited proxy?

General proxy – person holding the proxy voted as he/she sees fit on all issues and motions (discretion to cast a vote based on information discussed in the meeting)

Limited proxy – signed proxy where the signer stipulates the way that the holder must vote on specific issues

- ◆ Who is in charge of validating the proxy?
- ◆ What is the procedure for counting the proxies with voting members present?
- ◆ Is the proxy valid for one meeting, or does it expire after a short period of time?
- ◆ Is the proxy revocable?

As you consider allowing proxies, remember why organizations have meetings –so members can meet face to face, discuss and debate issues, and arrive at a reasonable agreement through a vote.

Frequently Asked Questions



1. Do members have the right to explain their vote during voting?
2. Can the chairman vote?
3. Can a member vote on or second a motion to approve the minutes of a meeting that he/she did not attend?
4. If a motion has been defeated, can it be brought up again at the next meeting?
5. Can a meeting be adjourned if there is still business pending?

6. Can ex-officio members vote, and are they counted in determining whether a quorum is present?
7. Are abstentions counted as votes in determining the winner of an election requiring a majority?
8. Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?
9. If a motion is before the assembly, can the assembly require more than a majority in order for the motion to be approved?
10. What happens when the president's vote causes a tie? How is the matter resolved?
11. Does a chairman of the board of directors have the authority to refuse to let an issue come before the board?
12. Can the board limit the debate on an issue?
13. What is a majority? Fifty-one percent? Fifty percent plus one?
14. What is a vote of "no confidence"?

Terms

Adjournment

- to end a meeting immediately

Amend

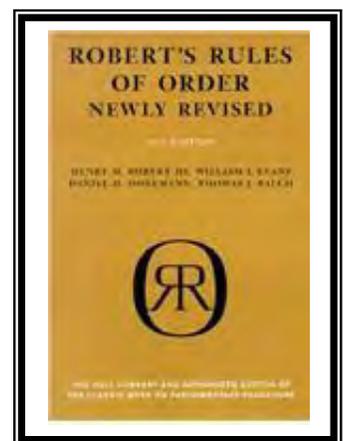
- modifies a motion by adding or striking words

Appeal the Ruling of the Chair

- disagreement with the Chair's ruling

Close Nominations

- to close the nomination and take a vote immediately – It is "not in order" when someone else has the floor.



Discharge Committee (without notice)

- For the assembly to take a matter out of the hands of a committee before its report is given so that the assembly can decide (requires a 2/3 or majority vote)

Incidental Motions

- When questions are raised about the pending business or how to address the pending business

Lay on the Table

- Used to temporarily set a pending main motion aside in favor of a more pressing matter of business; the motion is reconsidered during the same meeting

Limit or Extend Debate

- To put a time limit on debate

Example: "I move that at 3 p.m., debate is closed and the vote is taken."

Main Motion

- Motions that bring business to the table

Object to Consideration of a Question

- To prevent the main motion from being considered (may be embarrassing)

Example: "Mr. /Madam President, I object to the consideration of the question."
(Immediate vote taken)

Point of Order

- to correct a breach in the rules

Example: "I rise to a point of order." After being acknowledged by the Chair, "There is no longer a quorum present, and any business will be null and void."
- The chair can rule against a point of order.

Postpone Definitely

- a motion to postpone definitely defers a vote on the main motion until a specified time.

Postpone Indefinitely

- To kill a main motion for the duration of the meeting without taking a direct vote on it

Previous Question

- Often abused in meetings – the purpose is to stop debate immediately and take a vote.

Privileged Motion

- Does not relate to the pending motion, but are special matters of immediate importance arising in a meeting

Quorum

- It is the minimum number of voting members who must be present at a meeting in order to conduct business, usually specified by the bylaws. If not specified in the bylaws, then in most societies a quorum is a majority of the entire membership.

Raise a Question of Privilege

- permits a member to make a request or motion relating to the rights and privileges of the assembly.

Examples: “I rise to the question of privilege – ‘It is too hot in here; I can’t hear the speaker; I move we go into executive session to discuss the issue.’”

Recess

- to take a short intermission and then resume business (seconded, length amendable, majority vote)

Refer to Committee

- To have a small group investigate a proposal

Subsidiary Motion

- This motion helps move the main motion forward until the assembly arrives at its final decision

Suspend the Rules

- To set aside a rule of the assembly (except bylaws) – used primarily to take up a particular item of business out of regular agenda order (to take up a “new business” item before taking up unfinished business or vote immediately)

Examples: “I move to suspend the rules and take up the topic ‘to repair the gymnasium.’”
“I move to suspend the rules and agree to the resolution.”

Answers to Questions

1. Do members have the right to explain their vote during voting?

“No, it would be the same as debate at such a time.”

2. Can the chairman vote?

“If a member, the chairman has the right to vote. In large groups (more than 12), the chairman (who has a duty to maintain an appearance of impartiality) may vote when his vote would affect the outcome: to make or break a tie or to make or prevent a two-thirds vote.”

3. Can a member vote on or second a motion to approve the minutes of a meeting that he did not attend?

“Yes. There is no requirement in RRO that a member have first-hand knowledge.” In fact, a motion need not be made to approve minutes. The chair says, “Are there any corrections to the minutes?” If any, the chair says, “If there are no further corrections to the minutes, they stand approved as corrected...” or if no corrections are offered, “If there are no corrections to the minutes, they stand approved as read... the next item of business is...” Note that there is no second involved in this process.”

4. If a motion has been defeated, can it be brought up again at the next meeting?

“Yes, if the meeting is a different session.”

5. Can a meeting be adjourned if there is still business pending?

“Yes.”

6. Can ex-officio members vote, and are they counted in determining whether a quorum is present?

“Yes, an ex-officio member has the same rights and privileges as all members unless limited by the by-laws.”

7. Are abstentions counted as votes in determining the winner of an election requiring a majority?

“No. Abstentions have no effect when the vote requirement is either a majority or two-thirds of the votes cast. If the vote requires a majority of the members present or of the entire membership, an abstention may have the same effect as a ‘no’ vote.”

8. Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

“No. a member noticing the absence of a quorum should make a point of order.”

9. If a motion is before the assembly, can the assembly require more than a majority in order for the motion to be approved?

“To change the vote requirement, someone must make a motion to “suspend the rules.” Must be seconded and requires a 2/3 vote.”

10. What happens when the president’s vote causes a tie? How is the matter resolved?

“The motion is defeated. A motion to reconsider the vote may be made by someone on the prevailing side. Needs a majority vote.”

11. Does a chairman of the board of directors have the authority to refuse to let an issue come before the board?

“No. the chairman can rule a motion “out of order” if it conflicts with bylaws or he/she may “object to consideration of the question,” but the motion still comes before the board.”

12. Can the board limit the debate on an issue?

“Yes, by making a motion to limit debate. Requires a second and may be amended. Needs a 2/3 vote.”

13. What is a majority? Fifty-one percent? Fifty percent plus one?

“The word “majority” means “more than half.” The false definition “51%” only applies to units of exactly 100; the false definition of “50% + 1” is only true for even numbers, and false for odd numbers. RONR (10th ed.) pp. 387

14. What is a vote of “no confidence”?

“The term is not used or defined in RONR. An assembly can adopt a motion expressing a lack of confidence in its officers, boards, or committees. Made by “main motion,” but has no effect except to express the assembly's views. A vote of “no confidence” does not - as it does in the British Parliament - remove an officer from office.

Summary of Motions - Robert's Rules of Order

Motion	Remarks	Phrasing	Second	Debate	Amend	Vote
➔	Main Motions	Formal proposal that recommends a course of action. It is made before the discussion.				
Main	Used to present new business	"I move that the Activities Board . . ." (note specific action)	Yes	Yes	Yes	Majority
➔	Secondary Motions <u>Subsidiary</u>:	Helps the assembly dispose of the main motion. Adopting a subsidiary motion always does something to the main motion				
Postpone Indefinitely	Used to "kill" a motion during a meeting without taking a direct vote on it	"I move to postpone the motion indefinitely."	Yes	Yes	No	Majority
Amend	To change the pending motion before it is acted upon (to add or strike out words in the motion)	"I move to amend the pending motion by striking out or inserting the following words..."	Yes	Yes, if motion to amend is debatable	Yes	Majority
Refer to a Committee	Standing or AdHoc (appointed at any time) to investigate a proposal	"I move to refer the issue to a committee."	Yes	Yes	Yes	Majority
Committee of the Whole	Members of a large assembly act as a committee - allows members to speak an unlimited number of times to an issue. Vote not binding - recommends to assembly for later vote - Presiding officer appoints a chair for the committee	"I move to refer the issue to a committee of the whole."	Yes	Yes	Yes	Majority
Postpone Definitely	Used to put off or delay a decision until later in the meeting or until next meeting. Motion comes up under "unfinished business."	"I move that the pending motion be postponed until (note time)"	Yes	Yes	Yes	Majority
Limit or Extend Limits of Debate	To limit or extend the length of debate or to put a time limit on a particular motion	"I move to limit debate to five minutes per person."	Yes	No	Yes	Two-thirds
Previous Question (Close Debate)	Used to stop debate and immediately take a vote --Should be used when a member thinks the debate on the motion is tedious	"I move the previous question." or "I move to close the debate and take the vote immediately."	Yes	No	No	Two-thirds
Lay on the Table	To set the main motion aside temporarily to take up something of immediate urgency. Not intended to kill the motion or put off until the next meeting.	"I move to table the motion." or "I move to lay the motion on the table."	Yes	No	No	Majority

Summary of Motions - Robert's Rules of Order

Motion	Remarks	Phrasing	Second	Debate	Amend	Vote
➔	Secondary Motions: Privileged	Do not relate to main motion, but to matters of immediate importance arising from meetings				
Call for Orders of the Day	To make the assembly conform to the agenda or order of business	Member: "I call for the orders of the day."	No	No	No	No vote unless to set aside "orders of the day"
Raise a Question of Privilege	Member makes a request relating to the rights of the member immediately	"Mr. President, I rise to a question of privilege." Chair: "Please state the question." Member: "I can't hear the speaker."	No	No	No	Chair Rules
Recess	For a short intermission	" I move to take a ten-minute recess."	Yes	No	Yes	Majority
Adjourn	To end a meeting immediately	Note reason. . ."I move to adjourn."	Yes	No	No	Majority
➔	Secondary Motions: Incidental	Deals with questions of procedure arising from pending business - Does not affect the business				
Point of Order	Used to remind or question the Chair of the by-laws or rules of order.	"I rise to a point of order" (await recognition of chair, state reason)	Yes	No	No	Chair Rules
Appeal Rule of the Chair	To disagree with the chair's ruling - Let members decide the disagreement	"I appeal the decision of the Chair."	Yes	Yes	No	Majority
Division of the Assembly	To doubt the result of the vote	"I call for a division of the vote." or "I doubt the result of the vote."	No	No	No	Vote retaken
Suspend the Rules	To set aside the rule of the assembly (except by-laws, charters) to speed up the process	"I move to suspend the rules."	Yes	No	No	Two-thirds
Division of the Question	To divide a motion with several topics into separate motions	"Madam President, I move to divide the motion into three parts."	Yes	No	Yes	Majority
➔	Motion that brings question again before assembly	This class of motions returns a motion to the assembly for reconsideration				
Take from the Table	To take a motion from the table	"I move to take from the table the motion relating to the pay increase."	Yes	No	No	Majority
Reconsider	To reconsider the vote on a motion - Only a member who voted on the prevailing side can make the motion	"I move to reconsider . . ."	Yes	If the motion is debatable	No	Majority

Bylaws - Robert's Rules of Order

Article I: Name

- ◆ Official name of the organization
- ◆ May include location of the meetings

Article II: Object (Mission)

- ◆ Object of the organization concisely expressed (usually a single sentence)
- ◆ Aspects or phases written in sequence and set off by semicolons or in lettered subparagraphs
- ◆ Statement sets boundaries within which business can be introduced
- ◆ Some organizations set the object in the preamble to the bylaws (preamble precedes Article I)

Article III: Members

Section I – Classes of members (active, associate, honorary, ex-officio . . .)
Distinctions between types of members
Rights of each member
Limitations on the number of members

Section II – Qualifications for membership
Application and acceptance procedures
Method of reviewing and voting on applications

Section III – Required fees and dues with dates payable
Time and procedure for notifying members if they are delinquent in payment
May have an attendance requirement at meetings or minimum participation in organizational activities as a requirement for continued membership

Section IV – Provisions for resignations

Section V – Provisions for honorary members

Article IV: Officers

- ◆ List the required officers including honorary officers in rank order
- ◆ How are they elected or appointed? The nomination process
- ◆ Directors are usually classed as officers

- ◆ May use a statement like, “These officers shall perform the duties as prescribed by these bylaws and by the parliamentary authority adopted by the organization.”
- ◆ If the duties of the officers are numerous, you may include a separate article titled, “Duties of Officers.” (Be careful here. Omitting a duty may be interpreted as the duty is not required.)
- ◆ Length of the terms of office – term limitations
- ◆ How will vacancies be filled?

Article V- Meetings

Section I – Date for regular meetings of the organization

If meetings are scheduled by resolution, the number of days required for notification

Section II – Calling special meetings

Who may call them?

Number of days noticed required

Section III – Define a quorum for doing business

Section IV – Conventions - define time

Article VI – Executive Board, Board of Directors (must be specified in the bylaws – RONR (10th ed.), p. 465, l. 26-29.

- ◆ Specify the number of board members
- ◆ How they are determined?
- ◆ Define their duties and powers
- ◆ Define their terms of office
- ◆ Special rules by which the board conducts business (when, how often they meet, its quorum)

Article VII - Committees

Section I – Standing Committees

- * Establish each standing committee known
- * Give name, composition, manner of selection, and duties
- * How will the committee chair be selected?
- * Will the president be an ex officio member of all committees? (Without such a provision, the president has no vote within committees, nor can he or she attend their meetings except by invitation of the committee) [RONR (10th ed.), p. 561, l. 18-24.]

Example: “The chairman of the [organization] shall be ex officio a member of all committees except the Nominating Committee.” The president has the right, but not the duty, of participating in the work of committees.

- * As an ex-officio member of a committee, the president has the same rights as other committee members, but is not obligated to attend meetings of the committee and is not counted in determining a quorum. [RONR (10th ed.), p. 440, l. 31-35.]

Section II – Special Committees

- * How are they appointed?
- * Can the president appoint committees? If allowed in the bylaws, it does not transfer that power to the chair if someone else presides.

Section III - Executive Committees (usually has all or much of the power of the board between meetings and often referred to as a “board within a board”). They cannot modify any action taken by the organization.

- * Composition, duties, powers
- * Manner of selection
- * Quorum

Article VIII – Parliamentary Authority

This should describe in one sentence the rules of order to be followed

Example: “The rules contained in Robert’s Rules of Order Newly Revised (10th ed.) shall govern the [organization] in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the [organization] may adopt.”

Article IX – Amendment of Bylaws

- ◆ Prescribe the procedure for amendment
- ◆ Advance notice of amendment to the bylaws
- ◆ Two-thirds vote.

1972 Montana Constitution

Article II – Declaration of Rights

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.

Montana Code Annotated

2-3-201. Legislative intent -- liberal construction. The legislature finds and declares that 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.

2-3-202. Meeting defined. As used in this part, "meeting" means the convening of a quorum of the constituent membership of a public agency or association described in [2-3-203](#), whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

History: En. 82-3404 by Sec. 2, Ch. 567, L. 1977; R.C.M. 1947, 82-3404; amd. Sec. 2, Ch. 183, L. 1987.

2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions. (1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.

(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.

(3) The presiding officer of any meeting may close the 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. 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.

(4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.

(b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations described in subsections (1) and (2).

(5) The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.

(6) Any committee or subcommittee appointed by a public body or an association described in subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to the requirements of this section.

History: En. Sec. 2, Ch. 159, L. 1963; amd. Sec. 1, Ch. 474, L. 1975; amd. Sec. 1, Ch. 567, L. 1977; R.C.M. 1947, 82-3402; amd. Sec. 1, Ch. 380, L. 1979; amd. Sec. 1, Ch. 183, L. 1987; amd. Sec. 1, Ch. 123, L. 1993; amd. Sec. 1, Ch. 218, L. 2005.

2-3-211. Recording. Accredited press representatives may not be excluded from any open meeting under this part and may not be prohibited from taking photographs, televising, or recording such meetings. The presiding officer may assure that such activities do not interfere with the conduct of the meeting.

History: En. 82-3405 by Sec. 4, Ch. 567, L. 1977; R.C.M. 1947, 82-3405.

2-3-212. Minutes of meetings -- public inspection. (1) Appropriate minutes of all meetings required by [2-3-203](#) to be open shall be kept and shall be available for inspection by the public.

(2) Such minutes shall include without limitation:

(a) date, time, and place of meeting;

(b) a list of the individual members of the public body, agency, or organization in attendance;

(c) the substance of all matters proposed, discussed, or decided; and

(d) at the request of any member, a record by individual members of any votes taken.

(3) If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

History: En. Sec. 3, Ch. 159, L. 1963; amd. Sec. 3, Ch. 567, L. 1977; R.C.M. 1947, 82-3403.

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TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT CHAPTER 14. COMMUNITY SERVICE

Part 1. Montana Community Service Act

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90-14-101. Short title. This part may be cited as the "Montana Community Service Act".

History: En. Sec. 1, Ch. 534, L. 1993.

90-14-102. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Commission" means the commission on community service appointed by the governor to assist in implementation of this part.

(2) "Community service" means any kind of public service that provides a benefit to the state of Montana, any of its political subdivisions, or a tribal government or that benefits disadvantaged or low-income persons, disabled persons, or senior citizens of Montana.

(3) "Director" means the person appointed by the governor as the community service director to administer and coordinate the provisions of this part.

(4) "Program" means the Montana community service program, which includes all of the volunteer projects established under this part.

(5) "Volunteer" means a person performing services under this part for an association, not-for-profit corporation, hospital, school, or state, local, or tribal governmental entity without compensation, except that partial or full reimbursement may be made for actual expenses incurred.

History: En. Sec. 2, Ch. 534, L. 1993; amd. Sec. 2, Ch. 150, L. 1999.

90-14-103. Office of community service. (1) There is an office of community service, which is headed by a director and established in the office of the governor.

(2) The purpose of this office is to:

(a) renew the ethic of civic responsibility in the state;

(b) encourage the citizens of the state, regardless of age or income, to engage in full-time or part-time service to the state;

(c) call young people to serve in projects that will benefit the state and improve their life chances through the acquisition of literacy, job skills, and interpersonal skills;

(d) build on the existing organizational framework of state and local governmental entities to expand full-time and part-time service opportunities in a wide variety of programs for all citizens, particularly youth and older Montanans;

(e) involve participants in activities that would not otherwise be performed by employed workers; and

(f) establish programs to accomplish labor-intensive improvements to public or low-income properties or to provide services for the benefit of the state, its communities, and its people through service contracts that specify the work to be performed.

(3) The director must be appointed by the governor, after consultation with the commission. The director serves at the pleasure of the governor.

(4) The director shall, with the advice of the commission, assist the governor in the planning, coordination, operation, and evaluation of programs within state government or under grants, donations, bequests, or other resources received by and administered through state government for Montana community services.

(5) The director is responsible for the submission of applications for federal grants and for funding from any other sources for the creation or operation of volunteer projects. The director shall ensure accountability for all resources received.

(6) The director, together with the commission, shall integrate and develop state plans for all services provided under this part, including but not limited to the office of public instruction's service learning program, the Montana university system innovative projects, the department of military affairs' service involvement, and other community and volunteer service programs.

History: En. Sec. 3, Ch. 534, L. 1993; amd. Sec. 3, Ch. 150, L. 1999; amd. Sec. 1, Ch. 85, L. 2007.

90-14-104. Commission on community service. (1) The governor shall appoint a commission on community service composed of up to 15 members.

(2) Members must include a representative from a tribal government and from at least four state agencies in the following functional areas:

(a) natural resources;

(b) human services;

(c) labor;

(d) K-12 education;

(e) higher education; and

(f) military affairs.

(3) Members may include representatives from local government, not-for-profit agencies, federal agencies, business, labor unions, volunteer groups, and private citizens.

(4) To the extent possible, membership of the commission must be balanced according to race, ethnicity, age, gender, and disabilities.

(5) The commission shall assist in the development and coordination of state community service programs, integration of services, dissemination of information, recruitment of volunteers, recruitment and training of volunteer crewleaders, development of materials, and evaluation of and accountability for the services provided.

(6) Commission members are entitled to payment and reimbursement as provided in [2-15-122\(5\)](#).

History: En. Sec. 4, Ch. 534, L. 1993; amd. Sec. 4, Ch. 150, L. 1999.

90-14-105. Duties and powers of state agencies. (1) The following state agencies are responsible for developing and implementing community service opportunities consistent with the mission and functions of each agency:

(a) The office of public instruction implements volunteer projects in elementary and secondary public, private, and home schools in Montana, including activities sponsored by schools or community-based agencies, to involve school-age youth, including dropouts and out-of-school youth, in service to the community, as well as for programs that involve adult volunteers in the schools. A school district is expected to be the first agency that informs students about the many opportunities to participate in broader community service under this part through federal service learning grants and any other revenue received for purposes consistent with this part.

(b) The Montana university system assists institutions of higher education in Montana, explores new ways to integrate service into the curriculum, supports model community service programs on campus, develops teacher and volunteer training programs, and involves students in community service. The community service may complement a student's course of study through the federal higher education innovative projects grants and any other revenue received for purposes consistent with this part.

(c) The departments of environmental quality, natural resources and conservation, transportation, and fish, wildlife, and parks are the agencies for community and volunteer projects in conservation and natural resource settings that are designed to support and enhance state parks, wildlife, watchable wildlife, productivity of state lands, streams and lakes, county and city parks, tribal parks, scenic beauty and access, trails and signs, visitor information centers and rest areas, fairgrounds, and any other projects related to conservation or the environment that involve teenagers, young adults, or special community service members, such as adults or senior citizens who provide special skills for a project. Other projects may include bicycle paths and pedestrian trails, landscaping and scenic enhancements, historical and cultural preservation, roadside and stream restoration and enhancement, erosion control, disability enhancement, and experimental and research projects.

(d) The department of military affairs may support community and volunteer projects that are designed to involve the national guard in leadership or support roles for service through the provision of organizational and leadership skills, equipment, volunteer crewleaders, and other support, as well as the command and coordination of activities that may be mobilized for emergency projects, such as fire suppression or search and rescue.

(e) The governor may designate other agencies, after consultation with the director and the commission, for community service projects that focus on improving the quality of life for all Montanans, particularly low-income persons, senior citizens, homebound persons, disabled persons, or institutionalized persons, through preparing and delivering meals, assisting with

shopping or other tasks, repairing and painting or otherwise modifying homes of qualifying persons, providing transportation to and from health care and other appointments, providing respite care, cataloging library books, assisting rural health care providers, providing recreational aides, arranging for tutoring and literacy training, restoring historical photographs, and offering other human service support and community services.

(2) Each agency designated by the governor shall ensure that service opportunities that result in a public value are developed for everyone, regardless of race, creed, national origin, or geographical location, by providing leadership through its own network and by forming partnerships with other public or private, nonprofit entities.

(3) Each agency involved in community service shall coordinate and integrate its plans with and through the office of community service.

(4) Projects developed or approved under this part and funded by an agency must be limited to service projects that provide community service, conservation service, educational service, or other public service and that provide documented public value or benefit.

(5) The state agencies engaged in community service may:

(a) designate an agency volunteer coordinator to implement its responsibilities under this part;

(b) develop and approve work experience and volunteer projects that meet the requirements of this part;

(c) execute contracts or cooperative agreements that contain the terms and conditions necessary and desirable for the employment of volunteer crewleaders and other volunteers in approved work experience projects with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations;

(d) execute contracts or cooperative agreements with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations for the purpose of administering the requirements of this part;

(e) under the supervision of the office of community service, apply for and accept grants or contributions of services, funds, or lands from any public or private donors, including appropriations;

(f) develop procedures for participants to achieve incentive vouchers, education, credit toward education, skill training, scholarships, housing benefits, or other benefits upon completion of their term of service;

(g) purchase, rent, acquire, or obtain personal property, supplies, instruments, tools, or equipment necessary to complete work experience or volunteer projects;

(h) authorize use of volunteers for emergency projects, including but not limited to natural disasters, fire prevention and suppression, and rescue of lost or injured persons, and provide adequate training to volunteers prior to participation in an emergency project; and

(i) adopt rules and guidelines necessary to implement the provisions of this part and to effectively administer the program.

History: En. Sec. 5, Ch. 534, L. 1993; amd. Sec. 5, Ch. 150, L. 1999.

90-14-106. Prohibited activities. (1) The office of community service and agencies listed in [90-14-105](#) that are designated by the governor and engaged in developing and approving work experience and volunteer projects shall ensure that:

(a) work available to participants is not available as the result of a labor dispute, strike, or lockout and will not be assigned to cause a layoff or downgrading of a position or to prevent the

return to work of an available competent employee; and

(b) a work experience project:

(i) does not impair existing contracts for service or collective bargaining agreements; and

(ii) is not inconsistent with the terms of a collective bargaining agreement without written concurrence of the labor organization and employer concerned.

(2) It is unlawful for a person to demand from any public officer, agency, employee, volunteer, or volunteer crewleader an assessment or percentage of any money or profit or its equivalent in support, service, or any other thing of value, with the express or implied understanding that it will be used for political purposes. This part may not be construed to prohibit voluntary contributions to any political committee or organization for legitimate political purposes to the extent allowed by law.

History: En. Sec. 6, Ch. 534, L. 1993; amd. Sec. 6, Ch. 150, L. 1999.

90-14-107. Office of community service -- accounts. (1) There is an account in the state special revenue fund. The office of community service and all participating agencies shall deposit any fee, grant, donation, or reimbursement received under this part into the account to be used to pay expenses for administering and providing service projects.

(2) There is an account in the federal special revenue fund. The office of community service and all participating agencies shall deposit any federal revenue received under the National and Community Service Act of 1990, Public Law 101-610, as amended, and any other federal revenue received related to the purposes and implementation of the provisions of this part into the account to be used to pay expenses for administering and providing service projects.

(3) Reimbursement may be provided to state agencies for work on private property or for other public service. In the case of emergencies and natural disasters, projects may take place on properties not owned by a public agency without regard to private reimbursement.

(4) The office of community service may transfer funds to participating state agencies for approved community service projects, and lead agencies may transfer funds between each other for cooperative projects. Disbursement authority follows any transfers.

(5) Funds for additional personal services, operating costs, and equipment costs may be appropriated.

History: En. Sec. 7, Ch. 534, L. 1993.

90-14-108. Indemnification for Montana community service act. The provisions of [2-9-305](#) apply to community service volunteers for actions arising from the discharge of assigned community service functions or duties.

History: En. Sec. 8, Ch. 534, L. 1993; amd. Sec. 7, Ch. 150, L. 1999.

90-14-109. Coordination requirements -- coordination of programs. The governor shall ensure that program activities under this part be coordinated with similar programs administered under federal acts and programs already established in this state in order to maximize coordination of programs and to prevent overlapping and duplication of services.

History: En. Sec. 11, Ch. 534, L. 1993.

