



Orientation Handbook



Montana's Boards, Councils and Commissions
October 2018

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GOVERNOR STEVE BULLOCK

Thank you for your commitment to Montana. It is my sincere hope that providing your experience, skills and knowledge to the state of Montana is as rewarding and enriching to you as it will be beneficial to all of Montana.

You have accepted great responsibility and we will be expecting wonderful insight and thoughtful leadership from you.

I look forward to working together over the next couple of years as we keep Montana one of the best places to work, live, raise a family and start or grow a business.

Boards, Councils and Commissions - Every board is unique in its purpose, authority, membership and mission. Becoming familiar with your board type and mission will help you be successful. Staff with your board, council and commission should provide specific orientation materials, background and any applicable forms or documents you might need. You can always contact staff with your board or the Governor's office for additional information.

Montana State Government - Every board, council or commission is attached to one branch of government, Executive, Legislative or Judicial. In the Executive Branch, there are agencies and every board is attached to an agency for management and administration.

Quasi-Judicial Boards - These boards make independent decisions and have unique governing structures. While many of them are allowed to make their own decisions, in most cases agency attorneys will still advise and direct quasi-judicial boards on their jurisdiction.

Advisory Councils - Advisory Councils are simply that, advisory in nature. They exist to advise their agency, department, elected official, etc. They typically do not direct staff, make binding decisions or set policy.

Authority to Act - Authority, when given, is always given to a board as a whole, not to an individual member. A board's majority must agree on a course of action, and individual members may not act without prior approval of the board as a whole.

Confidentiality - The Montana Constitution balances the public's right to know with an individual's right to privacy. As a board member it is important to understand what issues are required to be reviewed in public and which issues require confidentiality. Staff and attorney's with your board can assist with any questions you might have.

PUBLIC SERVICE

Public service is something we are all committed to and requires a unique set of skills and communication. In order to participate effectively, the following set of skills can be most useful: serve the public's interest first; perform your duties openly with the public; attend meetings regularly; come prepared; communicate; and have respect for others. Life, family, career and other obstacles can arise. If you feel you can no longer serve your board effectively, please contact the Governor's Office to make alternative arrangements.

Right of Participation - The Montana Constitution allows the public the right to access and participate in government.

Right to Know - The Constitution also allows the public to review documents and the deliberations of public bodies, except in cases where the demand of individual privacy clearly exceeds the merits of disclosure.

Open Government - Under Montana law, all meetings are open to the public regardless of the nature of the issues being discussed.

Closing Meetings - There are some boards that deal with cases or information where the right to individual privacy outweighs the public's right to know. Some examples include personnel reviews, medical case files or accusations of misconduct. In all such cases, staff with your agency will work with the board Chair to determine which portions of a meeting are conducted in closed session.

Communication - Meetings are required to be public anytime a quorum is present, and in small groups this can occur by any method, email, social media or phone calls. Make sure to respect the public's right to participate and know that email, text or social media communication can potentially be subject to public review and scrutiny.

Ethics - As a public officer, you are required to follow the state of Montana's code of ethics and conduct. When a personal or professional conflict arises in your work, it may be necessary to withdraw your vote or disclose the conflict. Substantial gifts are not allowed, and that includes anything valued over \$50. Confidential information may not be used for personal economic gain. Public property of the state may not be used in the benefit of private business. Proof of an ethics violation may be grounds for removal.

Safety and Threats - While extremely rare, sometimes the public may become incensed over an action or comment made by a board member. The public has the right to voice their disagreement, but you have the right to feel safe. If you ever encounter a scenario where you no longer feel safe or have received threats of harm against yourself or others, please notify both your local law enforcement as well as the staff at your board, council or commission immediately.

BOARD BUSINESS AND LEADERSHIP

Quorum - Typically a majority of membership constitutes a quorum, which is the minimum number of members who are required to be present in order to do any business. Check with your staff to determine if any special rules dictate your boards' quorum requirements, as some boards differ.

Meetings - While no two meetings are the same, all public meetings tend to follow similar protocol, most following Roberts Rule of Order. Many start with a call to order, a roll call/attendance, approval of past minutes, reports from officers, staff, standing committees, new business, public comment, announcements and adjournment.

Presiding Officer or Chair - All boards have a presiding officer or Chair. In some cases, the Governor selects this person, in others the board votes to select this person. Regardless of how they are chosen, they share the same responsibilities. Chairs work with staff to prepare agendas and schedules, and they run the meeting. Chairs must balance their role to guide the meeting with that of a board member to remain engaged in the meeting. Between meetings Chairs may do additional work to prepare the board and staff for future meetings or on projects as necessary.

Tips for Chairs

Time Management - Keep members and the public on schedule.

Agenda - Keep comments to the approved agenda items and topics.

Respectful - Keep comments, meetings and all discussions respectful.

Staffing - Provide services or other assistance to staff as they help your board by taking meeting minutes or other services.

Open Meetings - Ensure the public has the right to participate and that they introduce themselves when presenting or commenting.

Motions - Advise members when they need to clarify or adjust motions.

Rules - Ensure the meeting and board follows all applicable rules.

Voting - Keep discussion on the motion at hand, and follow general procedures which typically include a motion, a second, discussion and then a vote by members.

Recusal - When a Chair needs to leave early or has a conflict of interest, they may recuse themselves and the position by assigning it to their Vice Chair or another member, as guided by their rules.

LEGISLATIVE COMMUNICATIONS

Every legislative session, board members get involved in the legislative process. The most important distinction is to know whether you are participating as a private citizen or in your capacity as a board member. In order to participate and introduce yourself as representing your board, you must follow specific approval steps, including board, agency and then Gubernatorial approval.

Governor's Role - The Governor is the Chief Executive of the Executive Branch and is responsible for formulating and administering all of the policies of the Executive Branch and this includes all budgets, policies and priorities. This responsibility extends to boards connected to the Executive Branch. He and his office work diligently to coordinate these efforts both within and across all state agencies. Boards must work with their agency structure to coordinate all legislation and lobbying efforts.

Boards' Role - The most common role boards play is to advocate for bills correcting program defects, fixing statutory problems, resolving conflicts or supporting improvements in their area of expertise. Less frequently, they may become involved in controversial bills. In cases where conflict exists between boards, agencies or other policies, the Governor is empowered to resolve the conflict and make the final decision prior to legislative lobbying. This may mean that your board is not authorized to support legislation you previously voted to support.

Approval - Boards must work through public meeting rules to allow public input on bills of interest. Also a vote of approval must take place for a board to move forward in the approval process. A majority of members must support a bill or a general concept when flexibility is required during the legislative process. Then the board must seek agency approval. Again, agencies and the Executive Branch work to coordinate all efforts, to ensure there are not any duplicative or conflicting efforts.

Testimony - All board members should only give testimony that is factual, relevant and informative, and approved by their board. This information should be well understood and presented in a way that does not create conflict, confusion or surprise. They should introduce themselves as representing their board. There are times when a board member may disagree with the approved position of a majority of their board. Should they choose, these board members may appear and testify on their own behalf, but must state definitively that their views are not shared by their board and they are not eligible for any official support or reimbursements for doing so.

Advisory Councils - Advisory Council members are rarely approved to testify at the Legislature. As their service is advisory in nature, if their policy direction is adopted, an agency will pursue the legislation with that recommendation. Some may be asked to participate and with agency approval may do so. If approved, this testimony should also be simply advisory and a summary of what the Council may have advised their agency.

MEDIA COMMUNICATIONS

Media can attend meetings and report on statements, debates and actions taken by you and your board, council and commission. These members of the media may also contact you directly about your appointment, decisions and statements made. Public officials are expected to treat members of the media with respect and honesty.

As a board member you have the support of staff at your board, council or commission. You are encouraged to let them know if media contact you outside of a meeting either for assistance. This staff can help you with a response or keep other board members, the agency and the Governor's office informed of current and potential news stories.

Some quick tips to consider:

- Always ensure your interactions with the media are respectful.
- You have the right to not comment and/or request to have another person complete the conversation (staff or another board member).
- Your staff is available and wants to help you and the board be represented well in the media.
- You must follow all confidentiality rules as they apply to your work.
- If you are speaking on behalf of your board, please ensure you have the approval and support of your board along with an approved response.



Additional Resources

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| Governor's Office: www.governor.mt.gov | Commissioner of Political Practices:
www.politicalpractices.mt.gov |
| Boards and Appointments: www.boards.mt.gov | Administrative Rules: www.mtrules.org |
| State Government: www.mt.gov | Secretary of State: www.sos.mt.gov |
| Montana State University's Burton K. Wheeler
Center: www.wheelercenter.org | State of Montana Ethics Guidelines: www.hr.mt.gov |
| Montana State Legislature and Montana Code:
www.leg.mt.gov | |