

STILLWATER COUNTY WEED MANAGEMENT DISTRICT
STILLWATER COUNTY, MONTANA

BY-LAWS

Section 1 - Name

The name of the district as originally created by the Stillwater County Commission is the Stillwater County Weed Management District (District).

Section 2 - Statement of Purpose

The Montana County Noxious Weed Control Act of 1985 mandated that a weed management district be established in every county in Montana. The area of the District includes all lands within the boundaries of Stillwater County. The County Commission (Commissioners) shall appoint a “District Weed Board” (Weed Board) subject to the provisions of §7-1-201 through §7-1-203, MCA, as set forth in §7-22-2103 of the County Weed Act. The Weed Board may call upon the County Attorney for legal advice and services as it may require. §7-22-2109, MCA. This provision includes deputy county attorneys and contracted attorneys.

Section 3 - General and Specific Powers of the Weed Board

The Weed Board is governed in general by Section 7-1-201, which empowers a board of county commissioners to, by resolution, establish administrative boards, districts, or commissions. It is further governed by the broad powers defined in the commissioners’ creating resolution. In pertinent part, Section 7-1-201(2)(b)(i), MCA states that an administrative board “may exercise administrative powers as granted by the creating resolution, except that it may not pledge the credit of the county or impose a tax unless specifically authorized by state law.” [Emphasis Added].

The Weed Board specific powers and duties as defined by §7-22-2109 are:

- a. Supervise a coordinator and other employees and provide for their compensation.
- b. Purchase chemicals, materials, and equipment, and pay other operational costs 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. The cost for the chemicals, materials, or equipment must be paid by the person and collected as provided for in this part.
- d. Enter into agreements with the Montana Department of Agriculture (MDA) for the control and eradication of any new exotic plant species not previously established in the state

that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial use if the plant species spreads or threatens to spread into the state.

- e. Enter into cost-share agreements for noxious weed management.
- f. Enter into agreements with commercial applicators, as defined in §80-8-102, MCA, for the control of noxious weeds.
- g. Request legal advice and services from the county attorney.
- h. Perform other activities relating to weed management.

In addition to the above activities, the weed board must:

- Administer the District's noxious weed program.
- Establish management criteria for noxious weeds on all lands within the District under the County Weed Management Plan.
- Make all reasonable efforts to develop and implement a noxious weed program covering all land within the District which are owned or administered by county, state and federal agencies.
- Recognize and follow the State Weed Management Plan to the best of its ability.
- Prepare and submit an annual budget proposal to the commissioners for approval, and operate within its approved budget authority.

Annually provide to Commissioners the name and term of the presiding officer and other officers and other information as may be requested by the Commissioners to fulfill their obligation to maintain a register of appointments boards, districts, or commissions. §7-1-201(5)(b)(i -v), MCA.

Section 4 - Weed Board Membership

As directed by the Commission's creating resolution, the Weed Board will consist of five members, each serving a four-year period. The members are appointed by the Commissioners at the expiration of the terms of each member. It is suggested the members serve various areas of the county and specific groups such as subdivisions, etc. The Weed Board shall designate a chairman and vice-chairman. The chairman and vice-chairman shall be appointed members of the board.

Section 5 - Meetings

The Weed Board will hold regular quarterly meetings on the second Wednesday in February, May, August, and November. Unless otherwise noted, all meetings will take place at

the Weed District office, 865 Hwy 10 West, Columbus. Except for special meetings, meeting times and dates, along with elected officer names and terms, shall be stated in annual resolutions to the Commission.

The agendas are to be posted as per the Constitution of Montana, Article 11, Section 9 - Right to Know. Such postings shall include the first and second floors in the county courthouse.

All meetings shall be open to the public. §2-3-203(1), MCA.

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. §2-3-203(3), MCA.

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. §2-3-203(4)(a), MCA.

A majority of members constitutes a quorum for the purpose 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, district, or commission specifies otherwise. §7-1-201(9), MCA.

Section 6 - Weed Coordinator

The Weed Board for Stillwater County is responsible for developing a position description that includes the following areas:

- Knowledge and skills
- Education and experience
- Job duties and requirements: General and administrative duties, public education
- Job Performance Standards

The full time Weed Coordinator remains in contact with the Weed Board and Commissioners to ensure progress is being made with projects and the intent of the responsibilities is being followed.

The full time Weed Coordinator serves as the secretary for the Weed Board.

The Weed Coordinator shall also serve as liaison between the Weed Board and Commissioners, and shall, via copies of minutes and personal contact, keep the Commissioners informed of progress and potential problems.

Section 7 - Funding

Section 7-22-2141. Noxious Weed Fund Authorized.

(1) The Commissioners shall create a noxious weed fund to be used only for purposes authorized by this part (21).

(2) The fund must be maintained by the county treasurer in accordance with §7-6-2111, MCA.

Section 7-22-2142. Sources of Money for Noxious Weed Fund.

(1) The Commissioners may provide sufficient money in the noxious weed fund for the board to fulfill its duties, as specified in §7-22-2109, by:

(a) Appropriating money from any source in an amount not less than \$100,000 or an amount equivalent to 1.6 mills levied upon the taxable value of all property; and

(b) Subject to §15-10-420 and at any time fixed by law for levy and assessment of taxes, levying a tax of not less than 1.6 mills on the taxable value of all taxable property in the county. The tax levied under this subsection must be identified on the assessment as the tax that will be used for noxious weed control.

(2) The proceeds of the noxious weed control tax or other contribution must be used solely for the purpose of managing noxious weeds in the county and must be deposited in the noxious weed fund.

(3) Any proceeds from work or chemical sales must revert to the noxious weed fund and must be available for reuse within that fiscal year or any subsequent year.

(4) The Commissioners may accept any private, state, or federal gifts, grants, contracts, or other funds to aid in the management of noxious weeds within the district. These funds must be placed in the noxious weed fund.

(5) Subject to §15-10-420, the Commissioners may impose a tax for weed control within a special management zone as provided in §7-22-2121(4). For the purposes of imposing the tax, the special management zone boundaries must be established by the board and approved by a majority of the voters within the special management zone. Pursuant to an election held in accordance with §15-10-425, the amount of the tax must be approved by a majority of the voters within the special management zone, and approval of the zone and the tax may occur simultaneously. Revenue received from a special management zone tax must be spent on weed management projects within the boundaries of the special management zone.

Section 8 - Contracts and Agreements

Section 7-22-2151. Cooperative Agreements.

(1) A state agency that controls land within a district, including the Department of Transportation; the Department of Fish, Wildlife, and Parks; the Department of Corrections; the Department of Natural Resources and Conservation; and the University system, shall enter into a written agreement with the board. The agreement must specify mutual responsibilities for integrated noxious weed management on state-owned or state-controlled land within the district.

The agreement must include the following:

- (a) An integrated noxious weed management plan, which must be updated biennially;
- (b) A noxious weed management goals statement;
- (c) A specific plan of operations for the biennium, including a budget to implement the plan; and
- (d) A provision requiring a biennial performance report by the board to the state weed coordinator in the Department of Agriculture, on a form to be provided by the state weed coordinator, regarding the success of the plan.

(2) The board and the governing body of each incorporated municipality within the district shall enter into a written agreement shall cooperatively plan for the management of noxious weeds within the boundaries of the municipality. The board may implement management procedures described in the plan within the boundaries of the municipality for noxious weeds only. Control of nuisance weeds within the municipality remains the responsibility of the governing body of the municipality, as specified in §7-22-4101.

(3) A board may develop and carry out its noxious weed management program in cooperation with boards of other districts, with state and federal governments and their agencies, or with any person within the district. The board may enter into cooperative agreements with any of these parties.

(4) Each agency or entity listed in subsection (1) shall submit a statement or summary of all noxious weed actions that are subject to the agreement required under subsection (1) to the state weed coordinator and shall post a copy of the statement or summary on a state electronic access system.

Notwithstanding the provisions of §7-22-2151 above, the Stillwater County Commission did, via Resolution 2008-54 clarifying and restating certain duties and responsibilities of the Weed Board, reserve for itself the responsibility and authority to jointly approve, along with the Weed Board, all agreements, and contracts pertaining to weed management.

Section 9 - Additions or changes to By-Laws

Following concurrence by the Commissioners, changes to the By-Laws of the Stillwater Weed Management District shall be published, distributed to Weed Board members and to the Commissioners, and posted for public review one month prior to any regular meeting of the Weed Board.

APPROVED this ____ day of April, 2019.

STILLWATER WEED MANAGEMENT DISTRICT BOARD

Allen Nordahl, Chairman

STILLWATER BOARD OF COUNTY COMMISSIONERS

Mark Crago, Chairman

Tyrel Hamilton, Member

Dennis Shupak, Member

ATTEST: _____
Heidi Stadel, Clerk and Recorder