



MONTANA MUNICIPAL INTERLOCAL AUTHORITY

PO Box 6669
Helena, MT 59604-6669

RISK MANAGEMENT BULLETIN

Please distribute to all appropriate personnel and post in a conspicuous place.

Date: 1/7/2025

RM Bulletin #05-25

To: MMIA Member-Owners

From: MMIA

RE: Study Commission

The Vote:

A unique provision in Montana's Constitution is the decennial Local Government Review. This voter-initiated review of municipal and county governments is an opportunity for locally elected study commission to evaluate the existing structure of government and compare it to alternatives structures available under the state law and propose changes, if warranted, to the local electorate for adoption.

Study Commission:

If your community recently voted to evaluate the existing government in your community, a study commission will need to be created in order to complete the Local Government Review process. Study Commissions are considered a public body, so they are subject to Montana's Open Meeting Laws. Below are the statutory requirements for open meeting laws from the MSU Local Government Center.

MSU Local Government Center:

Key Open Meeting Statutory Requirements:

- The commission must develop procedures for permitting and encouraging the public to participate in agency decisions that are significant interest to the public (2-3-103(1), MCA).
- The procedures must ensure adequate notice and assist public participation before a final agency action is taken (2-3-103(1), MCA).
- Meetings must be noticed electronically either on the local newspaper's website if they will allow it free of charge OR on the agency's website or social media page (2-3-103(1), MCA).
- Each meeting agenda 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 agency conducting the meeting. However, the agency 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 (2-3-103(1), MCA).
- A meeting is defined as 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 (2-3-202, MCA).
- All meetings of a public or governmental body must be open to the public (2-3-203, MCA).
 - The two exceptions to the open meeting law are:
 - When the discussion of the body 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.



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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.

- 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.
- 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 (2-3-203(6), MCA).
- Appropriate minutes of all meetings must be kept and must be available for inspection by the public (2-3-212, MCA). Minutes must include without limitation:
 - the date, time, and place of the meeting;
 - a list of the individual members of the public body, agency, or organization who were in attendance;
 - the substance of all matters proposed, discussed, or decided;
 - and at the request of any member, a record of votes by individual members for any votes taken.
- When a public hearing is required, additional public notice requirements must be met including two notices in the local newspaper. The county jurisdiction requirements can be found in 7-1-2121, MCA and municipal jurisdiction requirements can be found in 7-1-4127, MCA.

For further information or to schedule training for your Study Commission, please contact Dan or Ashley at the MSU Local Government Center:

Director:

Dan Clark daniel.clark@montana.edu
406-994-6694

Associate Director:

Ashley Kent ashleykent@montana.edu
406-994-6694

MMIA Recommendations:

While study commissions are considered a public body, they are not technically created by the municipality and by statute are autonomous. Because of these issues they do not technically meet the definition of a Covered Party under the MMIA Memorandum of Liability Coverage. Given this, if your community elected a study commission we recommend that you secure coverage for the commission by contacting MMIA to request the Study Commission be added to the MMIA Liability MOC through the Additional Covered Party Endorsement. Coverage is provided by MMIA at no charge. Please contact MMIA at 800-635-3089 (option 9) or Risk Management at riskmgmt@mmia.net.



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*Workers Compensation Coverage is not required for volunteers, but it provides exclusive remedy for them while in the course and scope of the commission's duties without the potential for a liability claim. Assessment is determined by volunteer type for each individual:

1. **Consistent Volunteer:** Individuals who volunteer in excess of fifteen (15) hours per month. Report individual wages at a rate of \$100.00 per month in the appropriate Class Code.
2. **Regular Volunteer:** Individuals who volunteer between one (1) and fifteen (15) hours per month. Report individual wages at a rate of \$50.00 per month in the appropriate Class Code.

*If your Workers Compensation Coverage is not with the MMIA WC Program, please contact your insurance agent or insurance carrier for assistance.