

By-Laws of the Western Montana Conservation Commission

I. Name, Purpose, Duties, & Authority

Section 1 – Name: The name of the Commission shall be the Western Montana Conservation Commission (hereafter referred to as “WMCC” or “Commission”).

Section 2 – Purpose: The purpose of the WMCC is to protect the existing high-quality of western Montana’s aquatic resources.

Section 3 – Definitions:

- 1) “Aquatic resources” means all beneficial uses of water, including but not limited to water quality and water supply; recreational, scenic, and aesthetic values; and fish, wildlife, and other organisms, including the prevention and management of aquatic invasive species.
- 2) “Western Montana” means all land and water areas west of the continental divide and within the Montana portion of the headwaters of the Columbia River Basin.

Section 4 – Duties:

- 1) Monitor the existing condition of natural resources in western Montana and coordinate the development of a 5-year monitoring strategy. This strategy must be developed with input from all land and water management agencies within western Montana and identify proposed and needed monitoring that emphasizes but is not limited to the aquatic resources of western Montana.
- 2) Support, promote, and ensure the continuation of a comprehensive aquatic invasive species prevention program in western Montana to ensure it is implemented effectively and efficiently to protect aquatic resources, local economies, and native species.
- 3) Encourage close cooperation and coordination between federal, state, provincial, tribal, and local resource managers for the establishment of consistent natural resource conservation practices, comprehensive monitoring, data collection, and interpretation.
- 4) Encourage and work for international coordination between the state of Montana and the province of British Columbia concerning the undertaking of natural resource monitoring and use of consistent standards for the management of natural resources throughout the region that may have influences on aquatic resources within western Montana.
- 5) Provide focused support and programming to the aquatic and natural resources of the Flathead River basin given its economic, cultural, and natural resource importance to the state of Montana.
- 6) Support economic development and use of western Montana's resources to their fullest extent without compromising the aquatic resources of western Montana.
- 7) Undertake, with the Commission's discretion, investigations of resource utilization and hold public hearings concerning the condition of aquatic resources and other natural resources in western Montana.
- 8) Use the result of the duties performed pursuant to subsections (1) through (7) to create public-private partnerships that:

- a) Result in projects to reduce point source water pollution and nonpoint source water pollution, as those terms are defined in 75-5-103;
 - b) Prevent the spread of invasive species; and
 - c) Maintain, enhance, restore, expand, or benefit the aquatic resources of western Montana.
- 9) Implement in collaboration with the Montana Department of Natural Resources and Conservation policies pursuant to 85-1-101, through the administration of portions of the renewable resource grant and loan program under 85-1-601, within western Montana.
- 10) Implement in collaboration with the Montana Department of Natural Resources and Conservation the portion of state policy expressed in the Reclamation and Development Grants Program Act under 90-2-1102 through the administration of grants and loans within western Montana.
- 11) Submit to the governor, the environmental quality council, and the water policy interim committee, in accordance with 5-11-210, a biennial report that includes:
 - a) A summary of information gathered in fulfillment of its duties under this section;
 - b) Information on monitoring activities within western Montana concerning the condition of the region's natural resources with particular emphasis on aquatic resources;
 - c) The identification of land use, land development, and economic trends in western Montana;
 - d) Recommendations the Commission considers appropriate for the fulfillment of its duties and the continued preservation of aquatic resources in western Montana; and
 - e) An accounting of all money received and disbursed, by source and purpose, for the period since the last biennial report.
- 12) Meet at least semiannually within western Montana at locations selected by the Commission.

Section 5 – Authority:

- 1) The Commission may request the governor petition a state natural resource agency or that agency's rulemaking body to promulgate, amend, or repeal a rule addressing natural resource issues identified by the Commission.
- 2) The Commission may petition a county, conservation district, or tribal council to promulgate, amend, or repeal local ordinances to resolve natural resource issues identified by the Commission.
- 3) The Commission shall participate with the Montana Department of Natural Resources and Conservation in the preparation of a state budget pursuant to Title 17, chapter 7, part 1, to identify disbursements necessary to complete the Commission's purpose and duties.
- 4) Subject to appropriation by the legislature, the Commission may receive and expend disbursements, donations, gifts, grants, and other funds necessary to fulfill its purpose and duties.

II. Membership

Section 1 – Governor Appointed Members: The WMCC shall include 16 voting members. The Governor shall appoint 9 of the voting members who represent each of the following groups within western Montana as provided by [MCA 2-15-3311](#):

- 1) Hydropower utility industry

- 2) Electric cooperative
- 3) Private landowner who is a member of an irrigation district or a water user's association
- 4) Private citizen at large
- 5) Private industry
- 6) Director, officer, staff person, or member of a natural resource, conservation, or recreation organization, representing the Clark Fork River basin upstream from Missoula, including the Blackfoot River basin
- 7) Director, officer, staff person, or member of a natural resource, conservation, or recreation organization, representing the Clark Fork River basin downstream from Missoula, including the Bitterroot River basin
- 8) Director, officer, staff person, or member of a natural resource, conservation, or recreation organization, representing the Kootenai River basin
- 9) Director, officer, staff person, or member of a natural resource, conservation, or recreation organization, representing the Flathead River basin

Section 2 – Other Voting Members: 7 of the voting members shall represent the following groups within western Montana, including:

- 1) A county commissioner, nominated and appointed by the Montana Association of Counties, from a county with a population greater than 100,000
- 2) A county commissioner, nominated and appointed by the Montana Association of Counties, from a county with a population of less than 100,000
- 3) A conservation district representative, nominated and appointed by the Montana Association of Conservation Districts
- 4) A conservation district representative, nominated and appointed by the Montana Association of Conservation Districts
- 5) A representative of a stormwater or wastewater utility, nominated and appointed by the Montana League of Cities and Towns, from a municipality with a population greater than 20,000
- 6) A representative of a stormwater or wastewater utility, nominated and appointed by the Montana Rural Water Association, from a local water and sewer district
- 7) A representative of the Confederated Salish and Kootenai Tribes' Natural Resource Department, nominated and appointed by the Confederated Salish and Kootenai Tribes' Tribal Council

Section 3 – Nonvoting Members: Nonvoting representatives must possess sufficient knowledge and authority within the position to inform natural resource and community development decisions made within the Commission's purpose and duties. Directors, regional administrators, or presidents of the following agencies or organizations may each designate a nonvoting representative to the Commission:

- 1) A Senator, appointed by the President of the Senate, from the majority party
- 2) A Senator, appointed by the President of the Senate, from the minority party
- 3) A Representative, appointed by the Speaker of the House, from the majority party
- 4) A Representative, appointed by the Speaker of the House, from the minority party
- 5) MT Department of Environmental Quality
- 6) MT Department of Natural Resources and Conservation
- 7) MT Department of Fish, Wildlife, and Parks
- 8) MT Department of Transportation

- 9) MT Department of Commerce
- 10) University of Montana
- 11) Montana Bureau of Mines and Geology
- 12) Confederated Salish and Kootenai Tribes, appointed by the Tribal Council
- 13) U.S. Environmental Protection Agency, appointed by the Region 8 Administrator
- 14) U.S. Forest Service, appointed by the U.S. Department of Agriculture
- 15) U.S. Bureau of Reclamation, appointed by the U.S. Department of the Interior
- 16) U.S. Geological Survey, appointed by the U.S. Department of the Interior
- 17) U.S. Army Corps of Engineers, appointed by the U.S. Department of Defense
- 18) Bonneville Power Administration

Section 4 – Terms: Members of the WMCC shall serve staggered 4-year terms determined by the Governor’s office. It is at the discretion of the Senate President and the Speaker of the House whether legislators remain the same from one session to another. The WMCC may advocate to Senate and House leaders for continuance of membership beyond the initial two-year appointment.

Section 5 – New Appointments: At least two months before the expiration of appointed member terms, the Chair, Executive Director, and Office of the Governor shall invite nominations from the WMCC and other parties for new members or renewal of appointees who are eligible for an open seat. There shall be no term limits for members willing to serve.

Section 6 – Resignation and Removal: Resignation of Governor-appointed members from the WMCC must be in writing and received by the Executive Director to give to the Governor’s office. Resignation of other Commission members must be in writing and received by the Chair. Resignation of the Chair must be in writing and received by the Executive Director. An appointed member may be removed for excess absences or other reasons by a majority of the voting members.

Section 7 – Incomplete Terms: When an appointed member vacancy occurs through resignation or removal before the term expires, the Executive Director shall provide public notice of vacancy, solicit potential new members, and refer interested parties to the Governor’s Office or the relevant designated appointing organization to begin the appointment process. WMCC members may recommend a new member representing a similar interest or agency for the open seat. The recommendation will be forwarded to the Governor for consideration of appointment.

III. Administration

Section 1 – Administration: The WMCC is attached to the DNRC for administrative purposes as prescribed by law.

Section 2 – Officers: The officers of the WMCC shall include a presiding officer (hereafter “Chair”) and a secondary presiding officer (hereafter “Vice Chair”). The Chair and Vice Chair shall be voting members elected by a majority vote of the Commission. The Chair and Vice Chair shall serve 2-year terms. Both officers shall be eligible for additional 2-year terms, but an election shall take place every two years. Officers may be removed from their position by a two-thirds vote of the Commission.

Section 3 – Duties of the Officers: The Chair shall plan and preside over meetings of the Commission and participate on the Executive Committee. The Chair shall also sign on behalf of the WMCC such documents and communications as the Commission may authorize. The Vice Chair shall assist in the



completion of the Chair's duties, assume the duties of the Chair in their absence, and participate on the Executive Committee.

Section 4 – Quorum: A majority of the voting members of the WMCC constitutes a quorum.

Section 5 – Executive Director and Staff Duties: An Executive Director and staff, provided by the DNRC, will administer the operation and functions of the WMCC. The Executive Director and staff shall oversee and facilitate meetings including notice and minutes, Commission financials, travel reimbursements to eligible members, and preparation of the biennial report of the Commission as required by law. Specific duties of the staff will be determined based on activities pursued by the WMCC.

Section 6 – Reporting: The WMCC shall report on its activities to the Governor's office, the Environmental Quality Council, and the Water Policy Interim Committee through a biennial report. Information reported shall include: a summary of information gathered in fulfillment of its duties under this section; information on monitoring activities within western Montana concerning the condition of the region's natural resources with particular emphasis on aquatic resources; the identification of land use, land development, and economic trends in western Montana; recommendations the Commission considers appropriate for fulfillment of its duties and for the continued preservation of aquatic resources in western Montana; and an accounting of all money received and disbursed, by source and purpose, for the period since the last biennial report. The Chair and Director of the DNRC shall serve as the Commission's liaisons to the Governor's office.

Section 7 – Payment: The WMCC members shall serve without pay from the WMCC. Unless otherwise provided by law, Commission members are entitled to be reimbursed for travel expenses.

Section 8 – Fundraising and Expenditure of Funds: Subject to appropriation by the legislature, the WMCC may receive and expend disbursements, donations, gifts, grants, and other funds necessary to fulfill its purpose and duties. The governing body of a county within western Montana may allocate to the Commission a portion of any funds available from coal severance tax allocations or other sources that are designated for projects or planning activities. Except as provided by law, the expenditure of funds available to the WMCC shall be approved by a vote of the Commission.

Section 9 – Funding of Projects and Partner Efforts: The WMCC may endeavor to assist with funding or allocating other resources for partner projects or efforts related to the WMCC's mission and/or statutory duties. All new funding or other resource requests to WMCC shall be reviewed and voted upon by the Commission or the Executive Committee depending on the timing of the request.

IV. Meetings

Section 1 – Regular Meetings: The WMCC shall meet at least semiannually within western Montana at locations selected by the Commission. The schedule of regular meetings shall be set by the WMCC. In the event of an emergency, inclement weather, or other significant barrier to meeting attendance, members may participate and vote on action items via conference call or video conference.

Section 2 – Special Meetings: Special meetings may be called by the Chair or a majority of voting members. Two days prior notice shall be required before all special meetings or conferences.

Section 3 – Public Notice: Notice of each meeting shall be given to each member at least ten days before the meeting. Notice of regular meetings shall also be published on the WMCC and the DNRC

websites. The WMCC website will include information on how to contact staff to participate in the Executive and other Committee/workgroup meetings.

Section 4 – Minutes: Minutes from each WMCC meeting shall be provided by the staff to members within a reasonable timeframe after the last meeting. Minutes shall include a list of members in attendance, a summary of topics discussed, and accurate statements of all actions taken by vote of the Commission. Minutes must be approved, with any necessary changes, by the quorum at the next regular meeting. After the minutes are approved, they will be posted on the WMCC website.

V. Decision-Making

Section 1 – Majority Vote: A majority of the voting membership of the WMCC constitutes a quorum to do business. A favorable vote of a majority of the quorum is required to adopt any resolution, approve a motion, or make any other decision unless otherwise provided by law. The Commission shall seek consensus but will accept a majority vote for decision-making. Nonvoting members shall have no vote.

Section 2 – Proxy Voting: A voting member can assign a proxy to represent them at a meeting so long as the voting member receives prior approval from the Chair and the assigned proxy is also a voting member of the Commission. Non-voting members may send another representative to attend a Commission meeting in their place.

VI. Committees

Section 1 – Establishment: A majority of the quorum may establish committees to aid and advise the WMCC in the performance of its functions and duties. Upon creation, each committee may determine anticipated committee duration (e.g., standing, ad hoc, etc.).

Section 2 – Membership: Committees may consist of WMCC members, agency representatives, and/or other interested individuals. Committee Chairs are appointed by the Commission Chair and will be elected by a majority vote of the Commission or by the Executive Committee. WMCC members are expected to serve on committees in alignment with the member's skills and interests. Each newly formed committee shall have WMCC representation by Commission members. To participate on a committee, interested parties must express interest to the Chair or Executive Director outlining experience and relevance to the committee/workgroup tasks.

Section 3 – Reporting: Committees meet as needed, report to the Commission and Executive Director, and provide updates and recommendations to the Chair and full Commission as requested. If committee recommendations have substantial impact on Commission business beyond the current scope, the full Commission has discretion to vote on the matter.

Section 4 – Meetings: Committee meetings are open to the public and shall be noticed on the Commission's website. Meetings shall be held at the discretion of the committee Chair and WMCC staff.

Section 5 – Duties of Committee Chairs: Committee Chairs shall be members of the WMCC and shall be responsible for: Planning, organizing, and facilitating committee meetings, conducting committee communications, and updating the Commission about committee business. Committee Chairs shall report to and coordinate with relevant WMCC staff as needed. In the case of a shared co-chair position, only one shall be required to be a WMCC member and one may be any other interested individual.



Section 6 – Executive Committee: An Executive Committee to the Commission shall at a minimum consist of the Chair, Vice Chair, and one or more voting members. Nonvoting Commission members may serve on the Executive Committee in an advisory capacity. Executive Committee voting members shall be elected for a 2-year term. At the end of the term or upon departure of the voting members, whichever comes first, a new election for voting members shall be held.

The Executive Committee shall meet with Commission staff and shall: Notify the full Commission of Executive Committee meetings; prepare and distribute the official Commission meeting agenda; implement activities previously approved by the Commission; act if necessary, on issues in a manner consistent with existing Commission policies and priorities; be responsible for fiscal oversight and where necessary, oversee the expenditure of funds between meetings; provide or identify priorities for Commission staff; provide oversight related to WMCC’s strategic plan and associated projects; coordinate efforts to raise funds; assist in the creation of the Commission’s biennial reports; and every two years, or as needed, work with the Executive Director to review status of the committee chairs and membership.

VII. Amendments

These by-laws may be amended when necessary, by a favorable majority of the quorum. Proposed amendments shall be submitted with written notice to the Chair who shall share the proposed amendments with members prior to the meeting at which the amendments are to be considered.

VIII. Parliamentary Authority

The rules contained in Robert's Rules of Order Newly Revised shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order the Commission may adopt.

Certification

The undersigned hereby certifies that the foregoing is in accordance with the Governor’s Montana Appointee Handbook and is a true and correct copy of the by-laws adopted on the 7th day of February 2024.

Signature of Presiding Officer (Chair)

Date