

BY-LAWS OF THE FLATHEAD BASIN COMMISSION

I. Purpose.

The purpose of the Flathead Basin Commission is to protect the existing high quality of the Flathead Lake aquatic environment; the waters that flow into, out of, or are tributary to the lake; and the natural resources and environment of the Flathead Basin.

II. Membership, Quorum, Voting, Meetings

a. Membership of the Commission, their manner of appointment, and the filling of vacancies shall be as provided by law.

b. A majority of the membership, other than ex-officio members, constitutes a quorum of the Commission.

c. A favorable vote of at least a majority of all members, except ex-officio members, of the Commission is required to adopt any resolution, motion, or other decision of the Commission. Ex-officio members shall have no vote. No voting by proxy shall be allowed.

d. 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.

e. The Commission shall meet at least twice each year, alternating the meeting site between the cities of Kalispell and Polson. The Chair may call meetings, as may the members by a majority vote. Additional meetings may be held at other locations throughout the basin, as specified by a vote of the Commission.

f. Minutes of all meetings 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 shall be approved by a vote of the Commission.

g. The Commission is encouraged to set regularly scheduled meeting 6 months in advance.

III. Officers and Duties.

a. Officers of the Commission shall include a Chair, a Vice-Chair, and the Executive Director as provided by law.

b. Duties of the Chair shall be to preside over the meetings of the Commission, set the time and place of meetings, and sign on behalf of the Commission such documents and communications as the Commission may authorize.

c. Duties of the Vice-Chair shall be to assume the duties of the Chair in his absence.

d. The Chair and Vice Chair shall be elected for a 2 year term. At the end of the term or upon departure of the Chair, the Vice Chair assumes the Chair for a new 2 year term. A new Vice Chair shall be elected to serve concurrently. If both the Chair and Vice Chair positions are vacant, both positions shall be elected from the membership for concurrent 2 year terms.

e. Duties of the Executive Director shall be to provide notice to all members of meetings called, to maintain an accounting of funds available to the Commission, to approve travel reimbursements payments to members eligible to receive such payments, to provide information to the public about the activities of the Commission; to supervise preparation of the biennial report of the Commission as required by law, and to keep minutes of all meetings.

f. A Commission Executive Committee, as composed of the Chair, Vice Chair, Immediate Past Chair, one at large member and DNRC liaison. If the immediate past Chair is unable or unavailable to serve on the Executive Committee, any member of the FBC may be elected to serve until such time as the immediate past Chair is able or available to serve on the Committee. If none of the above are citizen members, the at large position must be a citizen member. The Executive Committee shall meet with Commission staff and shall:

1. notify the full Commission of Executive Committee meetings;
2. prepare and distribute official Commission meeting agenda;
3. implement activities previously approved by the Commission;
4. act if necessary on issues in a manner consistent with existing Commission policy;
5. be responsible for fiscal oversight;
6. supervise and identify priorities for Executive Director;
7. provide oversight related to FBC strategic plan and associated action plans;
8. coordinate efforts to raise funds;
9. provide oversight related to the MOU between the FBC and DNRC; and
10. Every two years, or as needed, work with the Executive Director to review status of the committee chairs and membership.

g. Executive Committee Member at Large shall be elected for a 2 year term. At the end of the term or upon departure of the member at large, whichever comes first, a new election for a member at large shall be held.

IV. Expenditure of Funds.

Except as provided by law, expenditure of funds available to the commission shall be approved by vote of the Commission

V. Duties of the Commission. Duties of the Commission shall be as provided by law.

a. To monitor the existing condition of natural resources in the basin and coordinate development of an annual monitoring plan. This plan must involve a cooperative strategy among all land and water management agencies within the Flathead basin and identify proposed and needed monitoring which emphasizes but is not limited to the aquatic resources of the Flathead Basin;

b. to encourage close cooperation and coordination between federal, state, provincial, tribal and local resource development standards, comprehensive monitoring, and data collection and interpretation;

c. to encourage and work for international cooperation and coordination between the state of Montana and the Province of British Columbia concerning the undertaking of natural resources monitoring and use of consistent standards for management of resource development activities throughout the North Fork Flathead River drainage portion of the Flathead basin;

d. to encourage economic development and use of the basin's resources to their fullest extent without compromising the present high quality of the Flathead basin's aquatic environment;

e. to, in the discretion of the Commission, undertake investigations of resource utilization and hold public hearings concerning the condition of Flathead Lake and Flathead Basin.

VI. Amendments.

These By-Laws may be amended at any meeting of the Commission provided that written notice describing the subject of any proposed amendment has been sent to all members at least twenty days prior to the meeting at which the amendments are to be considered.

VIII. The Commission may establish subcommittees as it may deem necessary.

Adopted by vote of the Flathead Basin Commission of September 28, 1983.

Amended by vote of the Flathead Basin Commission on March 23, 1990.

Amended by vote of the Flathead Basin Commission on August 20, 2008.

Amended by vote of the Flathead Basin Commission on May 18, 2011.

Amended by vote of the Flathead Basin Commission on February 15, 2012.

Sections in bold quote or refer to statutory requirements under 75-7-301-308 MCA.