

RESOLUTION NO. 2015- 085

**A RESOLUTION CLARIFYING THE POWERS AND DUTIES OF THE GALLATIN
COUNTY DUI TASK FORCE AND REORGANIZING THE SAME AND
SUPERSEDING GALLATIN COUNTY RESOLUTIONS NOS. 2011-116, 2012-008,
2012-048**

DUI Task Force Coordinator

This Resolution was introduced by Kelley Parker, moved by
Commissioner Seifert, and seconded by Commissioner Skinner.
The Resolution was adopted unanimously.

*Chairman White was excused.

WHEREAS, the Gallatin County Board of County Commissioners ("County Commissioners") created the Gallatin County DUI Task Force ("DUI Task Force") on March 1, 1984, under the authority of § 61-2-106, Montana Code Annotated (MCA) to establish a County drinking and driving prevention program;

WHEREAS, pursuant to §§ 7-1-201 and 7-1-202, Montana Code Annotated (MCA), the County Commissioners have the authority to "establish administrative boards, districts, or commissions" allowed by law or not otherwise provided for by law;

WHEREAS, the County Commissioners adopted Resolutions Nos. 2011-116, 2012-008, and 2012-048 to reform the DUI Task Force as a lawfully created board under § 7-1-201, MCA; and

WHEREAS, rather than amending the prior resolutions regarding the DUI Task Force, the County Commission desires that this resolution supersede and replace Resolutions Nos. 2011-116, 2012-008, and 2012-048 to establish a single authorizing resolution governing the DUI Task Force.

NOW, THEREFORE, BE IT RESOLVED:

1. The County Commissioners hereby reconfirm the creation of the Gallatin County DUI Task Force and ratify all of its legal acts to date.
2. The DUI Task Force is hereby reformed and reorganized as follows:
 - a. The DUI Task Force is composed of eleven (11) individual persons who reside in Gallatin County and eleven (11) individual persons nominated from law enforcement and other entities for a total of twenty-two (22) members ("Members") as set forth in the Bylaws of the DUI Task Force.
 - b. Member terms begin on January 1st of each year. Each term is for a period of 3 years, except that the County Commissioners may appoint new Members to 1-year or 2-year terms in order to establish staggered terms, create more diversity, or avoid

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blanket turnover of board membership.

- c. Members are not entitled to salary, nor otherwise compensated, but may be reimbursed for necessary transportation and other actual and necessary expenses as allowed by law and as approved by the DUI Task Force.
 - d. All Members serve at the pleasure of and may be removed with or without cause solely at the discretion of the County Commissioners.
 - e. Citizen Members, in addition to any qualifications established by law, must satisfy the following special qualifications:
 - i. Knowledge of DUI Task Force legislation and purposes;
 - ii. General knowledge of DUI prevention and enforcement, and the marketing or media advocacy of alcohol and substance abuse treatment; and
 - iii. Attendance at a minimum of one DUI Task Force meeting before being eligible for appointment.
 - f. Law enforcement/agency Members, in addition to any qualifications established by law and in addition to the special qualifications of citizen Members, must be actively employed by a state, local, or municipal law enforcement agency, County Attorney's Office, City Attorney's Office, or similar governmental agency or department or non-governmental entity involved in social programs for benefit of the community including, without limitation: Montana Highway Patrol, Bozeman Police Department, Belgrade Police Department, Gallatin County Sheriff's Office, Manhattan Police Department, West Yellowstone Police Department, Gallatin County Attorney's Office, Bozeman City Attorney's Office, Alcohol and Drug Services of Gallatin County, Montana State University Police Department, and Montana State University.
 - g. The County Commissioners will, whenever possible, make Member appointments that allow for each of the foregoing law enforcement/agencies or departments to be represented.
3. The Membership of the DUI Task Force has the powers and duties set forth below or as otherwise authorized by the County Commissioners:
- a. Adopt bylaws with the consent and approval of the County Commissioners which shall include provisions which the Membership elects a Board of Directors consisting of no less than 3 Members;
 - b. Formulation and administration of the Gallatin County DUI Task Force's Strategic Plan; and
 - c. Enter into agreements, contracts, or cost share agreements that are necessary to the

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proper operation, improvement, maintenance, conduct, or business of the DUI Task Force.


4. The presiding officer of the Board of Directors of the DUI Task Force must submit to the County Commissioners:
 - a. A budget and financial report for each fiscal year; and
 - b. An annual report containing, but not limited to:
 - i. An evaluation of the effectiveness of the program;
 - ii. The number of arrests and convictions in the County for driving under the influence of alcohol and the sentences imposed for these convictions;
 - iii. The number of alcohol-related traffic accidents in the County; and
 - iv. Any other information required by the County Commissioners or considered appropriate by the DUI Task Force.
5. The DUI Task Force Coordinator (“Coordinator”) is an employee of Gallatin County. The Coordinator has those powers and duties authorized, including the powers and duties to:
 - a. Act as liaison between the County, the DUI Task Force, and the public;
 - b. Communicate with the County regarding all DUI Task Force policies, procedures, and programs;
 - c. Procure goods and services subject to applicable County procurement policies;
 - d. Approve all normal monthly maintenance and operating bills of the DUI Task Force;
 - e. Prepare the DUI Task Force’s annual budget, monitor all financial transactions of the DUI Task Force, and present a monthly report to the DUI Task Force;
 - f. Obtain statistics and information for the DUI Task Force Annual Report, and prepare the Annual Report for approval and recommendation by the DUI Task Force to the County;
 - g. Implement DUI Task Force programs and actively perform the directives of the DUI Task Force;
 - h. Be available to speak or participate in DUI Task Force community projects and attend statewide or national DUI related meetings; and
 - i. Act as an advisor to the DUI Task Force with regard to public outreach, DUI education,

and DUI prevention.

6. The County Commissioners hereby approve the amended Bylaws of the DUI Task Force, which are attached as Exhibit A to this Resolution and incorporated herein.
7. This Resolution shall supersede and replace Resolutions Nos. 2011-116, 2012-008, and 2012-048.
8. If any part or provision of this Resolution is held to be unenforceable, then the remainder shall be enforceable. In the event of any conflict with any part or provision of this Resolution and the Montana Code Annotated, the conflicting statute(s) control.


Dated this 21st day of July 2015

GALLATIN COUNTY BOARD OF COUNTY COMMISSIONERS



~~R. Stephen White, Chairman~~
Acting Chair Joe P. Skinner

Attest:



Charlotte Mills, Clerk & Recorder

**BYLAWS OF THE
GALLATIN COUNTY DUI TASK FORCE-2015**

**ARTICLE ONE
Creation of Task Force**

Section 1. Statutory Authority. The Gallatin County DUI Task Force (“DUI Task Force”) is established under the Montana Highway Traffic Safety Program, Title 61, Chapter 2, Part 1 of the Montana Code Annotated (“MCA”) and §§7-1-201 and 7-1-202, MCA.

Section 2. Resolutions Creating the Task Force. The Gallatin County Board of County Commissioners (“County Commissioners”) created the DUI Task Force on March 1, 1984, and have passed Resolution No. 2011-116, Resolution 2012-008 and Resolution 2012-048 pertaining to the DUI Task Force on December 6, 2011, January 31, 2012, and June 26, 2012, respectively. Subsequently the County Commissioners passed Resolution No. 2015-__ reorganizing the DUI Task Force (“Authorizing Resolution”) which supersedes all previous Resolutions.

**ARTICLE TWO
Statutory Powers and Duties of the DUI Task Force**

Section 1. Powers, Duties and Purpose. The DUI Task Force has the powers and duties provided in §§61-2-105 and 106, MCA and otherwise set forth in law.

**ARTICLE 3
Task Force Composition**

Section 1. Members. The DUI Task Force is composed of eleven (11) individual persons who reside in Gallatin County and eleven (11) individual persons nominated from law enforcement and other entities for a total of twenty-two (22) members (“Members”) including Members nominated from:

- a. Montana Highway Patrol
- b. Bozeman Police Department
- c. Belgrade Police Department
- d. Gallatin County Sheriff's Office
- e. Manhattan Police Department
- f. West Yellowstone Police Department
- g. Gallatin County Attorney's Office
- h. Bozeman City Attorney's Office
- i. Alcohol and Drug Services of Gallatin County
- j. Montana State University Police Department, and
- k. Montana State University

Section 2. Terms. Terms of Membership for an individual person are three (3) years as set forth in the Authorizing Resolution.

Section 3. Absenteeism. The proper functioning of the DUI Task Force is seriously impaired by the absence of its Members. If a Member has three (3) consecutive unexcused absences from regularly scheduled meetings of the Members during a twelve (12) month period, the County Commissioners may replace that Member.

Section 4. Vacancies. Vacancies shall be filled by the County Commissioners for the unexpired portion a Member's term. Prospective vacancies shall be posted at least one (1) month prior to filling the vacancy.

Section 5. Compensation. Members are not entitled to salary and are not otherwise compensated. Members may be reimbursed for necessary transportation expenses and other actual and necessary expenses as allowed by law and as approved by the DUI Task Force.

Section 6. Conflict of Interest. A transaction in which any member has a conflict of interest must be disclosed on the record. That Member may not participate in discussion of the matter or motion being considered, and shall not attempt to exert personal influence with respect to the matter, either at or outside the meeting. Such non-participation may necessarily include leaving the meeting.

ARTICLE FOUR **Board of Directors and Officers**

Section 1. Election of Board of Directors. Three (3) Members shall be elected as Directors by a vote of the Members at the first meeting of the calendar year and shall serve a term that lasts until the first meeting of calendar year two years later or until replaced. The Board of Directors may adopt policies necessary for the functioning of the DUI Task Force.

Section 2. Election of Officers. A Chair, Vice-Chair and Secretary/Treasurer shall be elected by the Board of Directors and shall serve until the first meeting of the next calendar year or until replaced.

Section 3. Chair. The Board of Directors shall elect a Director as Chair who shall:

- a. conduct all meetings and business;
- b. have a right to participate in debate, being a co-equal member of the DUI Task Force;
- c. vote on all motions, and not only where the vote of the chair would create or break a tie;
- d. appoint Members to Subcommittees as necessary to achieve the goals of the DUI Task Force; and
- e. submit to the County Commissioners a budget and a financial report for each fiscal year and an annual report meeting the requirements of § 61-2-106, MCA;

Section 4. Vice Chair. The Board of Directors shall elect a Director as Vice Chair who shall conduct all meetings and business in the Chair's absence.

Section 5. Secretary/Treasurer. The Board of Directors shall elect a Director as Secretary/Treasurer, who shall in addition to other duties specified:

- a. be responsible that minutes of meetings of the Members or Board of Directors are made in accordance with Montana law;

- b. see that all notices are duly given in accordance with the provisions of these Bylaws and as required by law;
- c. bring a copy of these Bylaws to every meeting; and
- d. oversee the Coordinator's compilation of the budget, financial transactions and accounting performed by the Coordinator.

In the absence of a Secretary/Treasurer, the Vice Chair shall perform these duties.

Section 6. Coordinator. The Coordinator is an employee of Gallatin County, who acts as liaison between the DUI Task Force, the County, and the general public. The Coordinator has advisory powers to the Task Force, but no voting authority. The Coordinator works with the Secretary to insure all notices are given for meetings and that minutes are taken in accordance with state law.

Section 7. Subcommittees. Subcommittees may be created as needed to conduct business of the DUI Task Force. Subcommittees shall have a singular purpose. Subcommittees shall comply with public meetings and records law and maintain minutes of all meetings.

ARTICLE FIVE

Meetings

Section 1. Annual Organizational Meetings. The first regular meeting of the Members in each calendar year shall be the annual organizational meeting to:

- a. receive newly appointed Members and have them take the oath of office;
- b. elect the Board of Directors if necessary; and
- c. have the Board of Directors elect Officers.

The first regular meeting of the Members in the second quarter of each calendar year shall be for the approval of the Annual Report to the County Commissioners containing but not limited to:

- a. an evaluation of the effectiveness of the program;
- b. the number of arrests and convictions in the county for driving under the influence of alcohol and the sentences imposed for these convictions;
- c. the number of alcohol-related traffic accidents in the county;
- d. any other information requested by the County Commissioners or considered appropriate by the DUI Task Force; and
- e. adopt a financial report and a proposed budget for the next county fiscal year .

Section 2. Regular Meetings. Regular meetings of the Members of the DUI Task Force shall be held no less than 4 time per calendar year. Meetings of the Board of Directors may be held

monthly but in any event shall be held no less than 10 times per calendar year. Membership and Board of Directors meetings may be held simultaneously.

Section 3. Special Meetings. Special meetings of the Members or Board of Directors shall be at the call of the Chair, a request of two members of the Board of Directors, the request of the County Commissioners, the request of the Coordinator and 4 Members or 5 Members.

Section 4. Quorum. At least eleven (11) Members must be present to constitute a meeting quorum of the Membership of the DUI Task Force. 2 members of the Board of Directors constitute a meeting quorum of the Board of Directors. Provided that a quorum exists, action may be taken by a majority vote of the members present and voting. There is no proxy voting.

Section 5. Notice to Members of Meetings. In addition to legal notices of meetings the Coordinator shall additionally notify all Members of all meetings either in person, telephonically, via electronic mail, or in writing. No special meeting shall be held unless diligent efforts have been made to notify all Members.

Section 6. Open Meeting Requirements. All meetings of the DUI Task Force are open to the public in accordance the Open Meetings laws of the State of Montana. Before the consideration of any measure or the taking of any action of significant public interest, the Chair shall allow members of the audience to be heard. The Chair may reasonably limit audience participation at any time. To comply with the spirit and intent of Montana open meetings laws, public notice shall be given of all regular and special DUI Task Force meetings.

Section 7. Agenda. Agenda must be published 48 hours prior to any meeting. An agenda item shall be included allowing public comment on any public matter that is not on the agenda and which is not on the agenda and relevant to the business of the DUI Task Force.

ARTICLE SIX

Budget and Fiscal Year

The fiscal year begins on July 1st each year.

The Members of the DUI Task Force shall consider, approve, and present for the consideration of the County Commissioners, a preliminary budget on or before the first day of June each year.

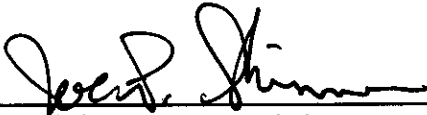
ARTICLE SEVEN

Amendments to Bylaws

These Bylaws may be altered, amended or repealed and new bylaws may be adopted by the affirmative vote of a majority of Members present and voting and with the consent and approval of the County Commissioners.

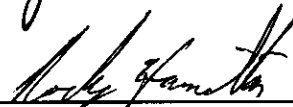
ARTICLE EIGHT
Approval of Bylaws

These Bylaws are hereby approved by the Gallatin County Board of County Commissioners and the Members of the DUI Task Force.



Chair, Gallatin County Commission

7/21/15
Date



Chair, DUI Task Force

8-3-15
Date

Copies:
Gallatin County Commissioners DUI Task Force Members