

CARBON COUNTY COMMISSIONERS AGENDA

DATE: May 8, 2025 (Thursday)

8:30 a.m. PLEDGE OF ALLEGIANCE

8:35 a.m. PUBLIC COMMENT PERIOD – On matters within the Commissioners' jurisdiction

9:00 a.m. ENVIRONMENTAL HEALTH – QUARTERLY UPDATE

9:30 a.m. CITY OF RED LODGE

10:00 a.m. COUNTY ATTORNEY

10:30 a.m. CONSENT AGENDA

11:00 a.m. BID OPENING - ASPHALT

**11:30 a.m. RESOLUTION TO ADOPT REVISED COMMISSIONERS' ADMINISTRATIVE
PROCEDURES**

INVITATION TO BID

HOT-PLANT ASPHALT SUPPLY

The Carbon County Board of County Commissioners is now accepting proposals for the delivery of 2025 HOT-PLANT ASPHALT SUPPLY.

Materials offered under this proposal shall conform to **TYPE "B" ASPHALT CONCRETE PAVEMENT** as specified in the Montana Public Works Standard Specifications.

Sealed proposals will be received by the Carbon County Board of County Commissioners at 17 West 11th Street, Post Office Box 887, Red Lodge, Montana, 59068, until 11:00 a.m. MDT on Thursday, May 8, 2025 when they will be publicly opened and read aloud.

Bid Specifications may be examined or obtained at the County Administrative Building at 17 West 11th Street, Red Lodge, Montana 59068 or online <http://co.carbon.mt.us/bidsrfps/>.

Questions relative to the standard and special provisions or the bid process may be directed to the Board of County Commissioners at (406) 446-1595.

No proposal may be withdrawn after the scheduled time for the public opening of proposals, which is scheduled for 11:00 a.m. MDT on Thursday, May 8, 2025.

Carbon County reserves the right to reject any or all proposals received, to waive informalities therein, to postpone the award of the contract for a period of time not to exceed sixty (60) days and to accept the lowest responsive and responsible proposal(s) determined to be in the best interests of Carbon County.

Submitted this 21st day of April, 2025.

Scott Blain, Presiding Officer
Board of County Commissioners
Carbon County, Montana

Commissioners' Rules of Procedure

Purpose and Authority

Article II of the Montana Constitution sets forth the rights of the people of Montana. Sections of this article specify the people's right to observe their government:

***Section 8. Right of participation.** The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.*

***Section 9. Right to know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.*

And the U.S. Constitution provides in the 1st Amendment that Congress shall make no law abridging the freedom of the right of the people to peaceably assemble, and to petition the government for redress of grievances. With full compliance to the U.S. and Montana Constitutions, the Carbon County Board of Commissioners promulgate these rules and regulations in order to ensure orderly meetings that encourage public participation. The following guiding principles have been the foundation of the formation of these rules:

- The Commission must act as a body
- The Commission should proceed in the most efficient manner possible.
- The Commission must act by at least a majority.
- Every Commissioner must have an equal opportunity to participate in decision-making.
- The Commissioner's Rules of Procedure must be followed consistently.
- The Commission's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.
- Meetings are accomplished in the spirit of openness with the encouragement of public participation.

No deliberative body can efficiently perform without rules of procedure. While rules cannot ensure civility and comment accuracy, or eliminate demagoguery, clear rules and their fair and consistent application can lead to an orderly process. Our system of government, with its foundation in a robust, free exchange of ideas and lofty First Amendment aspirations, militates against controlled civil discourse. Certainly, civility cannot be mandated, but order has to be maintained. At the same time, the Commission has to provide a broad opportunity for public participation. As said by Justice Felix Frankfurter in *Baumgartner v. United States*, 322 U.S. 665, 673-4 (1944), "One of the prerogatives of American citizenship is the right to criticize public men and measures – and that means not only informed and responsible criticism but the freedom to speak foolishly and without moderation."

The following rules are content-neutral time, place, and manner regulations which are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication. The significant government interest being an orderly meeting.

1. MEETINGS –

1.1 Open Meetings - All meetings of the County Commission are open to the public unless closed as provided by statute and the Constitution of the State of Montana for legal strategy or to protect the Right to Privacy of employees or members of the public. Notice will NOT be given of Consent Agenda items, routine managerial matters, or ministerial actions.

1.2 Regular Meetings - Regular meeting days and times shall be established by resolution per 7-5-2122, MCA. A Quorum of commissioners present at an event or meeting of another entity or organization does not constitute a meeting as long as no issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard (7-5-2122(4), MCA). Issues over which the commission has supervision, control, jurisdiction, or advisory power are discussed or heard, the commissioners present shall provide a report at the commission's next regularly scheduled public meeting.

1.3 Procedure to Change Location of Regular Meeting or to Call a Special Meeting
– The Board may, by resolution and having provided at least 2 days' posted public notice in accordance with 7-1-2123 MCA, designate another meeting time or place.

1.4 Emergency Meetings – An emergency meeting may be called by an individual Commissioner to adopt an emergency or disaster declaration pursuant to 10-3-402 and 10-3-403 MCA and to coordinate response to the emergency or disaster being declared. Notice of the meeting will be provided via posting at the location identified in Resolution under 7-1-2121 MCA.

1.5 Meeting Minutes – Commissioners designate their written minutes recorded with the Clerk and Recorder as Official Minutes. Any subsequent recordings are provided to aid in preparing the official minutes or for the public's convenience and will not constitute a permanent record.

1.6 Recordings of Meetings When meetings are recorded, a link to the recording shall be made available on the Commissioners' Department page within five (5) business days according to 2-3-214(2)(a) MCA.

2. AGENDAS

2.1 Agendas – All Regular and Special meetings of the Board of Commissioners shall have an agenda setting forth the order and subjects of business.

2.2 Placing Items on the Agenda – Requests to place an item on the Agenda shall be made to the Administrative Officer by 12:00 (noon) Monday the week before the meeting. This time requirement is to ensure all items are placed on the agenda published in the newspaper. The Presiding Officer may allow an item to be placed on the agenda that is not included in the publication.

2.3 Regular Update meetings - Commissioners have set forth regularly scheduled updates with various elected officials, department heads, and representatives of other entities. These meetings and any associated documents are considered administrative and do not require submittal of information prior to the meeting.

2.4 Presentation of Documents - Non-administrative documents should be presented to the Administrative Officer when an item is placed on the agenda but shall be presented no later than 48 hours before the scheduled meeting time. Each document financially obligating the County shall be separately noticed, including purchase requests at the medium procurement threshold (\$25,000 - \$80,000) or higher.

2.5 Agenda item time limits – Commissioners meetings are typically scheduled in 30-minute time slots.

2.6 Consent Agenda – The consent agenda time is set aside for the approval of administrative documents. Administrative documents include: meeting minutes, time approvals, HR Requests, purchase requests in the micro or small procurement thresholds, letters of support for other agency grant applications that do not require any funding or in-kind match from the County, and monthly department reports. All documents for the Consent Agenda must be in the Commissioners’ Office by 8:00 am the day of the meeting so they can be included in the Commissioners’ packet when the meeting starts. Consent agenda items shall be read into the record when the motion is made.

3. CONDUCT OF MEETINGS

3.1 Roberts Rules of Order - This Section shall govern the County Commission in regard to the parliamentary procedure of meetings, however, for those areas of parliamentary procedure in which this Section is silent, the rules of parliamentary procedure contained in Robert’s Rules of Order, Newly Revised, 10th Edition, and any subsequent editions or amendments thereto, if any, shall govern the County Commission so long as Robert’s Rules of Order are not inconsistent with the provisions outlined herein or the Statutes of the State of Montana.

3.2 Public Comment – Civil Public Comment is welcome and encouraged. Citizens who wish to speak must speak on matters relevant to County Business. A person seeking recognition at the meeting may be required to give their name and affiliation. All such comments will be directed to the Commission, never to another citizen, guest, employee, or visiting expert.

3.2.a Time for Comment – the first 30 minutes of any Regular Meeting Agenda shall be reserved for public comments on matters within the Commissioners’ jurisdiction. This time is strictly for public comment; discussion of the Commission will be reserved until such a time as the item is on a noticed agenda. The Presiding Officer shall call for public comment for each item on the agenda, prior to a decision being rendered.

3.2.b Limits – Each member of the public shall be limited to one five (5) minute comment per topic. In the event that there is an abundance of public comment, the time limit may be shortened by a motion and vote of the Commissioners.

3.2.c Written Comments - Requests to read written or emailed correspondence into the public record must be accompanied by the author’s name and address for verification of the record. Unanimous submissions will not be accepted. Written and emailed correspondence must follow the civil guidelines established above.

3.3 Preservation of Order - The Presiding Officer shall preserve order, prevent personally directed comments, confine members in debate to the question, and shall decide who shall be

first heard. A member called to order at a County Commission meeting shall at once suspend his remarks, unless permitted to explain.

3.4 Disruption of Meeting - If any public meeting is willfully disrupted by a person or group of persons to render the orderly conduct of the meeting unfeasible, and order cannot be restored, the Presiding Officer may order the removal of the person or group from the meeting room.

3.5 Proxy Votes Prohibited - A member of the Commission shall not vote by proxy.

3.6 Conflict of Interest and Process to Recuse – Article XII, Section 4 of the Montana Constitution prohibits conflict between public duty and private interest for local officers and employees. In the event that a member has a conflict of interest in a topic before the Commission, they shall formally recuse themselves from debate and vote of the item.

3.7 Remote Participation – Remote participation in meetings may be provided upon request. Requests to participate remotely should be made to the Administrative Officer by the end of business the day before the meeting. Those participating remotely shall identify themselves when requested or may be dismissed.

3.8 Meeting Recess – When Commissioners have gaps in their agenda or when an agendaed item is concluded, the Presiding Officer may recess the meeting until such a time as there are scheduled items on the agenda, unless there is an objection.

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4. HUMAN RESOURCES MANAGEMENT

Commissioners wish to set forth the following procedures for the uniform management of staff directly under the supervision of the Board of Commissioners.

4.1 Staff Time Management

4.1.a. Requests for vacation, overtime, or temporary schedule changes shall be made in writing to the Administrative Officer. In the case that the Administrative Officer is not available, requests shall be made to Human Resources.

4.1.b. Sick leave notices shall be made in writing to the Administrative Officer as soon as possible.

4.1.f Monthly written reports are NOT a sufficient mechanism to request leave, overtime, or schedule changes.

4.2 Staff Coaching and Discipline

4.2.a Complaints regarding staff directly supervised by the Administrative Officer shall be made to Human Resources (HR). HR will initiate an investigation with the Administrative Officer unless HR determines that a Commissioner needs to be involved to eliminate conflicts of interest.

4.2.b Policy or protocol violations shall be presented to HR who will follow the investigative procedure outlined above.

4.2.c If the investigation warrants discipline above a written warning, the discipline shall be elevated to a discussion and decision of the Board of Commissioners.

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· 4.1.d Requests for schedule changes shall be made in writing to the Presiding Officer with sufficient notice for preapproval.¶

· 4.1.e All requests shall be approved in writing and submitted to Human Resources to refer to with time card reviews.¶

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