

MONTANA TOURISM ADVISORY COUNCIL OPERATING POLICY

A. NAME: TOURISM ADVISORY COUNCIL; the Council is part of the executive branch of Montana state government through the Montana Department of Commerce, Helena, Montana. The Governor is the Chief Executive Officer of the executive branch of state government and is charged with formulating and administering the policies of the branch, including budget policies and priorities. The Governor has the power to resolve any policy conflicts within the executive branch pursuant to Section 2-15-103, MCA. The Council members are appointed by the Governor pursuant to Section 2-15-1816, MCA. The Department of Commerce provides staff for the Council and is authorized to adopt such rules as may be necessary to implement and administer Section 2-15-1816, MCA. All communication from the Council to the Governor's Office must be made through the Director of the Department of Commerce. The communication can be made informally (e.g., agency staff can convey request by telephone or e-mail to the Director, who in turn will communicate with the Governor's Office) and should explain the substance of the communication and how it relates to the Council's subject area.

B. PURPOSE: Pursuant to Section 2-15-1816, MCA, the purpose of the Council is to oversee distribution of funds to regional nonprofit tourism corporations for tourism promotion and to nonprofit convention and visitors bureaus in accordance with Title 15, chapter 65, part 1, and 2-15-1816, MCA; advise the Department of Commerce relative to tourism promotion; advise the governor on significant matters relative to Montana's travel industry; prescribe allowable administrative expenses for which accommodation tax proceeds may be used by regional nonprofit tourism corporations and nonprofit convention and visitors bureaus; direct the university system regarding Montana travel research; approve all travel research programs prior to their being undertaken; and encourage regional nonprofit tourism corporations to promote tourist activities on Indian reservations in their regions. The Council may modify the tourism regions established by executive order of the Governor.

C. COMPOSITION: Pursuant to Section 2-15-1816, MCA, the Council consists of not less than twelve (12) members appointed by the Governor from Montana's private sector travel industry and includes at least one member from Indian tribal governments and representation from each tourism region. Any vacancy on the commission shall be filled in the same manner as the original appointment. Members of the Council shall serve staggered 3-year terms, until replacement at the discretion of the Governor.

D. ELECTION OF OFFICERS: At the first meeting of the fiscal year, a Chair and Vice Chair shall be elected by the Council from its current members and take office. The Chair shall preside at all Council meetings and hearings, call special meetings, and perform the duties normally conferred by parliamentary usage on such presiding officer and other such duties as may be properly prescribed. In the absence of the Chair, the Vice Chair shall perform the duties of the presiding officer. Should the Chair position become vacant for any reason, the Vice Chair will complete the remainder of the Chair's term. Should the Vice Chair position become vacant for any reason, such office shall be elected at the next regularly scheduled meeting of the Council. At the last meeting of the fiscal year, if the current chair's Council term is expiring, he/she shall either serve until replaced or resign and be replaced by the Vice Chair until election.

E. MEETINGS: A meeting of the Council or any of its committees occurs whenever a quorum of the constituent membership of the Council, whether corporal or by means of electronic equipment, gathers to hear, discuss, or act upon a matter over which the Council has supervision, control, jurisdiction, or advisory power. (Section 2-3-202, MCA.) The Council will convene a minimum of three times annually.

Additional Council meetings, including a meeting at the Governor's Conference on Tourism & Recreation, may be held at the discretion of the Council. The Council shall determine the location of the meetings. Special meetings may be called by the Chair and shall be called upon the written request of three members of the Council. Council staff shall send, at least two (2) days in advance, written notice with the proposed agenda of any special meeting to all members.

F. NOTIFICATION AND PUBLIC PARTICIPATION: All meetings of the Council and its committees shall comply with Montana law as it applies to open public meetings and notice requirements.

G. QUORUM AND PROCEDURE: A quorum of the Council shall consist of a majority of the membership of the Council. The affirmative vote of a majority of the members present is sufficient for any action taken by the Council. The rules contained in the most current edition of Robert's Rules of Order shall generally guide the conduct of all meetings. All meetings shall be open to the public and located in a place accessible to the public, except when a discussion of the Council relates to a matter of individual privacy or litigation in which the Council is or may be a named party. (Section 2-3-203, MCA.) Staff to the Council shall take minutes of each Council meeting and make such minutes available for public inspection. (Section 2-3-212, MCA.)

H. ORDER OF BUSINESS:

- (a) The order of business at regular Council meetings shall generally follow the agenda, which is sent out 72 hours in advance, but may be modified by a majority vote of the members present.
- (b) Members of the public may address the Council on any matter listed on the agenda. Matters not listed on the agenda may be addressed during the period scheduled for public comment on non-agenda items.
- (c) Only those items included on the agenda and that are part of the materials distributed to the Council members prior to the meeting may be acted upon at that particular meeting. New business may be introduced without prior notice only for the purpose either of Council action at a future meeting or referral to a committee or Council staff for study or consideration.

I. VOTING: All members who do not declare a conflict of interest shall vote; votes may be registered as aye (or yes), nay (or no), or pass. After an initial count of votes, the Chair may provide members wishing to change their votes the opportunity to do so. In the event of a tie vote, the item shall not pass.

J. COMMITTEES: Such committees, standing or special, shall be appointed by the Chair annually or as the Council deems necessary to carry on the work of the Council. The Committees shall have the authority to present recommendations on action items to the Council, or, when authorized by the Council, take specific action on behalf of the Council.

In no event may the Council delegate its statutory duties, rights, or obligations to a committee. Committee assignments shall be reviewed annually by the Chair after the first meeting of the fiscal year. An Executive Committee of the Council shall exist to provide direction, as requested, to the Promotion Division Administrator and the Department of Commerce between Council meetings. This committee shall be appointed by the Chair and be composed of a minimum of four Council members to include the current Chair, the Vice Chair, and two members currently serving on the Council. The Chair shall serve as an ex-officio member on all committees.

K. EXECUTION OF DOCUMENTS: When legal documents are executed, the document shall be signed by the Chair, or in his or her absence, the Vice Chair, on behalf of the Council. Any and all other documents executed on behalf of the Council may be signed by Council staff or another member of the Council with the prior consent of the Council.

L. MAINTENANCE OF RECORDS: Council staff shall be responsible for the maintenance of any and all records of the Council. Records shall be kept at the offices of the Promotion Division of the Montana Department of Commerce at 301 South Park Avenue, Helena, Montana, and shall be available for inspection during normal business hours.

M. AMENDMENT OF OPERATING POLICY: Amendments to this policy may be initiated by any member of the Council. Proposed amendments must be considered at a regular meeting and approved by a majority of the members present. All members of the Council shall be informed of any proposed amendments in writing at least seven (7) days prior to a vote being taken.

N. CONFLICT OF INTEREST: No member of the Council shall participate in any decision relating to contracts that affect his/her personal interests or the interests of any corporation, partnership, or association in which he/she is, directly or indirectly interested, or has any personal or pecuniary interest, direct or indirect, in the contract or the proceeds thereof. Enrolled membership in a tribe does not, in and of itself, constitute an interest in a contract or the proceeds thereof. As applied here, the term "participate" prohibits making motions, seconding motions, and voting.

O. TESTIFYING AS A COUNCIL MEMBER: The Council is not charged with advocating for or against legislation, a Council member desiring to advocate for or against legislation generally must do so as a private citizen on the member's own time on his or her own behalf. When advocating (testifying or lobbying) as a private citizen, the Council member is not entitled to compensation or travel reimbursement from the state.

On occasion, with approval of the Governor's Office, Council members may be authorized to testify for or against legislation that is within the Council's subject area. A request to the Governor's Office for approval of a Council member to testify in support of or against legislation on behalf of the Council requires a motion passed by the Council. Once approved by the Council, the request to the Governor's Office must be made through the Director of the Department of Commerce. The request for approval to testify can be made informally (e.g., agency staff can convey request by telephone or e-mail to the Director, who in turn will communicate with the Governor's Office) and should explain why the legislation is important to the Council, the substance of the testimony, and how it impacts the Council's subject area.

When authorized by the Governor's Office to testify on behalf of the Council, the member is acting in the performance of Council duties and is entitled to compensation and reimbursement for travel. Please refer any questions in this area to the Director of the Department of Commerce or the Department's legal counsel.

Always remember that when a Council member testifies before a legislative committee, the member should expressly state whether he or she is appearing as a private citizen or on behalf of the Council.

P. PREVAILING LAW: In the event of a conflict between any of the provisions or terms of these procedures and the provisions or terms of state law, statute, or administrative rules, the provisions or terms of state law, statute, or administrative rules prevail.