



The Weekly Update – September 24, 2015

Attachments:

1. Letter to City of Great Falls' Advisory Boards, Councils and Commissions regarding Public Meeting Requirements and 2015 Legislative Session Changes.
2. Letter from Montana Department of Commerce notifying City of advancement in the Montana Main Street Program.
3. Notice of Big Sky Economic Development Trust Fund Grant Award to B/E Aerospace, Inc from the Office of the Governor.
4. Letter from Montana Department of Commerce tentatively approving an award of \$330,000 in BSTF Category I Job Creation Funding to B/E Aerospace, Inc.
5. Letter from US Department of Housing and Urban Development regarding grant assistance for Community Development Block Grant Program for 2015-2016.



P. O. Box 5021, 59403-5021

September 11, 2015

TO: City of Great Falls' Advisory Boards, Councils and Commissions

RE: Public Meeting Requirement Reminders & 2015 Legislative Session Changes

Dear Board, Council and Commission members:

As outlined in your handbooks and discussed during training sessions, Montana law requires government bodies conduct their official business in a forum that is open to the public. Your Board/Council/Commission (hereinafter referred to as BCC) is a governmental board, and thus subject to the open meeting laws set forth in the Montana Code Annotated (MCA).

REMINDERS:

Public Meetings. The essential elements of the open meeting laws are:

- (1) If a quorum, defined as the number of members legally required to conduct business, is convened by either physical presence or by means of electronic equipment; and
- (2) Members will hear, discuss or act upon issues that it has jurisdiction over; then
- (3) The meeting must be open to the public and the press; and
- (4) Appropriate minutes of all meetings shall be kept and made available for the public.

Each BCC must adopt coordinated rules to facilitate public participation in decisions that are of significant interest to the public. These include a schedule of regular meeting times and an agenda prepared and posted sufficiently in advance to provide notice of the topics to be discussed and actions to be considered. Pursuant to an Attorney General Opinion, the minimum amount of time for posting meeting agendas is forty-eight (48) hours in advance of the meeting. *[Example: The agenda for City Commission meetings are posted on the City's website and a hard copy posted on the main floor of the Civic Center the Thursday prior to a Tuesday evening meeting. Citizens can also subscribe to receive notifications when an agenda has been posted to the City's website. Additionally, the Tribune lists a schedule of upcoming public meetings.]*

BCC agendas and minutes are posted on the City's website. Please timely submit your agenda and DRAFT minutes prior to each meeting as well as the minutes after BCC approval to the appropriate liaison for posting on the City's website.

Quorum. All of the powers of a BCC may only be exercised by the affirmative vote of a majority of its members physically present or connected by electronic means in a lawful meeting comprised of no less than a quorum (majority) of the whole number of BCC members. *[Example: A BCC with five members requires the participation of at least three of its members to constitute a quorum.]*

The only business that can be transacted in the absence of a quorum is to take a recess, to take measures to obtain a quorum, to fix the time to which to adjourn, and to adjourn.

Public Participation. The public must be afforded a reasonable opportunity to offer information and opinions, either orally or written, before final decisions are made on agenda items. Presiding officers shall ask for public comment before calling for the vote on each item on the agenda. *[Example: The City Commission agenda format allows citizens to speak on each issue prior to Commission action. We encourage your participation. Please keep your remarks concise, limited to five minutes, and to the topic under consideration.]*

Additionally, the agenda for a meeting must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the BCC conducting the meeting. However, the BCC may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on the matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting. *[Example: The agenda for the City Commission has an item titled "Petitions and Communications" for public comment on non-agenda items as follows: Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and address for the record.]*

Closing a Meeting to the Public. Officially closing a meeting is often referred to as a "closed" or "executive" session. There are only two lawful reasons for a closed meeting:

- (1) during the time the discussion relates to a matter of individual privacy and then only if the presenting officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open; or
- (2) to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency. However, a meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies (governmental boards, bureaus, commissions . . . or agencies supported in whole or in part by public funds or expending public funds).

These instances are rare. Consult with legal counsel prior to initiating any closed session.

Meeting Minutes. Montana law requires that appropriate minutes of all meetings must be kept and must be available for inspection to the public. The duty of the secretary is mainly to record

what is “done” by the BCC, and not what is said by its members, referred to as “summary” or “action” minutes. However, the exact language of the motion should be correctly recorded in the minutes.

The minutes of meetings need not be verbatim, but the record must include:

- (1) The date, time and place of the meeting;
- (2) A list of the individual members of the board, council, or commission who were in attendance;
- (3) The substance of all matters proposed, discussed, or decided; and
- (4) A record of votes by individual members for any votes taken.

If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting. If an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting. If an official recording is made, a written record of the meeting must also be made and must include the four (4) items set forth above.

[Example: The City Commission does audio/video record its meetings, including a software program that time stamps main agenda items. However, that recording is not designated as the official record. The written, official minutes note: “Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail.”]

NEW: Starting October 1, 2015, Mont. Code Annot. § 2-3-212 requires that any time a presiding officer closes a public meeting pursuant to 2-3-203, the presiding officer shall ensure that minutes are taken and kept of the closed portion of the meeting. The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order. Those minutes would be kept separately from the regular meeting minutes and would not be made available to the public. Such minutes should be sealed and safeguarded. Again, this would be a rare instance. If you have procedural questions, please do not hesitate to contact me.

Audio Recording of Meetings. Except as a memory aid for secretaries in preparing the draft minutes, no useful purpose is served by audio taping a routine meeting. If the meeting is audio recorded, it is subject to the Montana Secretary of State’s Records Retention Schedule and must be kept for a minimum of one (1) year after approval of the summary or action minutes, and the BCC must have the capacity of producing copies of the recording upon request.

Public Records. All public records are and remain the property of the public agency possessing the records. The public records must be delivered by outgoing public officers and employees to their successors. If an outgoing public officer refuses or fails to deliver to the current public officer any public records that pertain to that public office, a complaint may be filed in district court pursuant to the Montana Rules of Civil Procedure to compel the outgoing public officer to deliver any public records still in that officer’s possession to the current public officer.

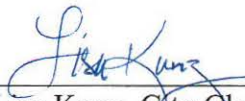
NEW: If a public agency denies an information/records request to release information or records the agency shall provide a written explanation for the denial. If a person who makes an

information request receives a denial from a public agency and believes that the denial violates their rights, the person may file a complaint pursuant to the Montana Rules of Civil Procedure in district court. A person alleging a deprivation of rights who prevails in an action brought in district court to enforce the person's rights may be awarded costs and reasonable attorney fees.

I have been in contact with Dan Clark of the MSU-Local Government Center to arrange another training session in the first few months of 2016. The December 2014 training was well attended and had great reviews. The City looks forward to working with Mr. Clark for another great training opportunity for its BCC members.

Thank you for your service to our community!

Sincerely,



Lisa Kunz, City Clerk

MEG O'LEARY
DIRECTOR



CC: Commission
Craig R
STEVE BULLOCK
GOVERNOR

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RECEIVED

SEP 11 2015

CITY MANAGER

September 9, 2015

City Manager Gregory T. Doyon
City of Great Falls
P.O. Box 5021
Great Falls, MT 59403

Dear Mr. Doyon,

Congratulations! It is my pleasure to notify you that the City of Great Falls has advanced to the Designated member tier within the Montana Main Street Program.

As you know, the Main Street Program assists communities in revitalizing and strengthening downtown commercial districts, while also offering technical assistance expertise and competitive grant funding to its member communities. Advancement requires the successful demonstration that a member community has reached program organizational and planning benchmarks.

The Department of Commerce looks forward to continued work with you and the City of Great Falls to successfully assist with projects that improve the economic, historic, and cultural vitality of the Great Falls downtown district.

Again, congratulations, on becoming a Designated member of the Montana Main Street Program!

Sincerely,

A handwritten signature in blue ink, appearing to read "Meg O'Leary", is written over a faint, larger version of the signature.

Meg O'Leary, Director
Department of Commerce

Cc: Gregory Gordos, City of Great Falls
Sheila Rice, Neighborworks
Joan Redeen, Great Falls BID
Brett Doney, Great Falls Development Authority

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



ANGELA McLEAN
LT. GOVERNOR

September 15, 2015

Michael Winters, Mayor
City of Great Falls
PO Box 5021
Great Falls MT 59403-5021

RECEIVED

SEP 16 2015

CITY CLERK

RE: Notice of Big Sky Economic Development Trust Fund Grant Award for B/E Aerospace, Inc.

Dear Mayor Winters:

Congratulations! On behalf of the State of Montana, it is my pleasure to notify you that the City of Great Falls has been awarded up to \$330,000 from the Montana Department of Commerce – Big Sky Economic Development Trust Fund (BSTF) Program to assist B/E Aerospace, Inc. This award, effective August 26, 2015, is for B/E Aerospace, Inc. to purchase equipment that will enable this business expansion to create forty-four (44) net new BSTF eligible jobs within six months.

My administration's Main Street Montana business plan is built on the idea that public-private partnerships are keys to growing Montana's economy. Every project funded through BSTF is a step toward the plan's goals of creating opportunities for today's workforce and being stronger and more competitive for our next generation of entrepreneurs. It is with this in mind that I wanted to personally thank you for partnering with the State of Montana.

The City of Great Falls will be contacted directly with more information in the coming weeks by the BSTF staff. If you should have any questions, please contact the Division Administrator, Sean Becker. Sean can be reached at (406) 841-2707 or by email at seanbecker@mt.gov.

Again, congratulations and good luck on the successful completion of your project.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Bullock".

STEVE BULLOCK
Governor

c: Lisa Diseth, BE Aerospace, Inc.
Lillian Sunwall, GFDA
Karyl Tobel, Finance Assistance Bureau

September 18, 2015

Michael Winters, Mayor
City of Great Falls
PO Box 5021
Great Falls MT 59403-5021

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SEP 22 2015

CITY CLERK

Dear Mayor Winters:

As indicated by Governor Bullock's letter dated, September 15, 2015, your application to the Big Sky Economic Development Trust Fund (BSTF) Program has been approved for funding.

The Montana Department of Commerce Grant and Loan Review Committee have tentatively approved an award of up to \$330,000.00 in BSTF Category I Job Creation funding to be used as follows:

- Up to \$313,500.00 to assist BE Aerospace, Inc. with the purchase of equipment. BE Aerospace, Inc. agrees to create forty-four (44) net new full time jobs that meet the BSTF required wage rate of the average county wage for Cascade County, which is \$16.73 with benefits added. Job creation activities may take place as of August 26, 2015. The contract period for this project is August 26, 2015 to February 29, 2016.
- Up to \$16,500.00 for eligible administrative expenses.

Please contact the Montana Department of Commerce prior to making any public announcement to the media.

A contract will be sent to you electronically using DocuSign for signature.

Please keep in mind that once information is submitted to the Department, the information is subject to the public's right to know pursuant to Article II, Section 9 of the Montana Constitution.

The Department reserves the right to withdraw a commitment of any BSTF funds for projects that have:

1. Not provided all requested contract information, including the job creation baseline and certification report within 30 days of the date on the Notice of Award, and/or;
2. Not returned the BSTF contract to the Department within 30 days of receipt of the final contract, and/or

3. Are not ready to proceed within 90 days after the date of tentative award.

I will be your BSTF Program Specialist, and will be contacting you regarding start-up activities.

Within 10 days, BE Aerospace, Inc. needs complete and submit the enclosed Status of Jobs Report for Job Creation Projects (Job Creation Report) and Job Creation Certification for Baseline. All full-time employees that were employed by BE Aerospace, Inc. on August 25, 2015 should be included on this report. The Job Creation Report and Job Creation Certification should be sent directly to Annmarie, so that she may expedite the contract process. If you have any questions, Annmarie can be reached at arobinson3@mt.gov or by phone at (406) 841-2744.

I will be contacting BE Aerospace, Inc. to set up the onboarding meeting to review their application and their commitment to the project.

Again, congratulations. We look forward to working with the City and BE Aerospace, Inc. on this project.

Sincerely,

A handwritten signature in cursive script that reads "Annmarie Robinson".

Annmarie Robinson
Section Manager
Montana Department of Commerce

Enclosure

Cc: Lisa Diseth, BE Aerospace, Inc.
Lillian Sunwall, GFDA

BASELINE JOB REPORT CERTIFICATION
MONTANA DEPARTMENT OF COMMERCE
BIG SKY ECONOMIC DEVELOPMENT TRUST FUND

Applicant: _____

Assisted Business: _____

Award Effective Date: _____

The Applicant has submitted an application to the Big Sky Economic Development Trust Fund (BSTF) Program on behalf of the Assisted Business. In the Applicant's application, the Assisted Business indicated that it would create _____ eligible net new jobs at the project site located at _____ (the "Project Site") in the Contractor's jurisdictional area within the Contract time period, which is typically two years. A full-time eligible job criteria is a full-time job, meaning a predominantly year-round position requiring an average of 35 hours of work each week. To be considered a new job, the job must be created on or after the award effective date of _____.

In the application, the Assisted Business agreed to pay a wage that meet or exceed \$_____ per hour, *excluding benefits* *OR* *including employee benefits that meet the requirements of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq.*

In addition, the Contractor and the Assisted Business have agreed to a total new investment at the Project Site, which is equal to or greater than \$1 for every \$_____ of BSTF financial assistance received, within this Contract time period.

The employment level of _____ one day prior to the award effective date of _____ is _____ permanent, full-time employees onsite.

CERTIFICATION OF AUTHORIZED REPRESENTATIVE: I certify that the above information and any attachments thereto are complete and accurate to the best of my knowledge and belief.

Authorized Signatory

Name: _____

Title: _____

Signature: _____

Date: _____



U. S. Department of Housing and Urban Development

Helena Field Office

DHUD Helena Field Office
901 Front Street, Suite 1300
Helena, MT 59626

Phone: 406-449-5050
Fax: 406-449-5052
Web: www.hud.gov

September 1, 2015

RECEIVED

SEP 24 2015

CITY CLERK

Mayor Michael Winters
City of Great Falls
P.O. Box 5021
Great Falls, MT 59403

Dear Mayor Winters:

On behalf of Secretary Julián Castro, I am pleased to inform you that the U.S. Department of Housing and Urban Development has approved the Great Falls' Annual Community Planning and Development (CPD) Action Plan for 2015-2016. The grant assistance that is being approved to implement the plan is **\$715,840** for the Community Development Block Grant Program. HOME Investment Partnership Program funds have not yet been approved. The program year for Great Falls begins on July 1, 2015. The Great Falls Office of Planning and Community Development will receive the official grant documents in a separate package.

We are committed to working in partnership with you to promote a more comprehensive vision of community development, improve the planning process, increase coordination in the use of these funds, and simplify and consolidate the application process and reporting requirements. Please join us in the effort to make these programs even more effective in improving the quality of life in Great Falls, Montana.

If we may be of further assistance, please feel free to contact Aaron Gagné, Director, Community Planning and Development at (303) 672-5076.

Sincerely,

Erik Amundson
Field Office Director

cc: The Honorable Steve Bullock
Governor of Montana
PO Box 200801
Helena, MT 59620-0801

cc: Mr. Gregory T. Doyon
City Manager
P.O. Box 5021
Great Falls, MT 59403-5021