

**October 2022
DRAFT**

**MONTANA TOURISM ADVISORY COUNCIL
OPERATING POLICY**

1. **NAME:** TOURISM ADVISORY COUNCIL: (TAC or 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, through Brand MT Office of Tourism and is authorized to adopt such rules as may be necessary to implement and administer Section 2-15-1816, MCA. The main point of contact for the Council is Office of Tourism Program Manager, but should a Council member wish to communicate directly with other Bureaus, Division Administrator, or Director of Commerce, the Council Chair shall be included in correspondence.

All communication from the Council to the Governor's Office shall be made through the Director of the Department of Commerce. The communication can be made informally (e.g., Program Manager 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.

2. **PURPOSE:** Pursuant to Section 2-15-1816, MCA, the purpose of the Council is to:
 - a. oversee distribution of funds to regional nonprofit tourism corporations for tourism promotion and to nonprofit convention and visitors bureaus (or Destination Management/Marketing Organizations DMOs) in accordance with **Title 15, chapter 65, part 1**.
This task is accomplished by reviewing and approving DMO plans and method evaluation reports in accordance with the Rules and Procedures established by the Council and reviewed bi-annually.
 - b. advise the department of commerce relative to tourism promotion;
 - c. advise the governor on significant matters relative to Montana's travel industry;
 - d. prescribe allowable administrative expenses for which accommodation tax proceeds may be used by regional nonprofit tourism corporations and nonprofit convention and visitors bureaus;
 - e. direct the university system regarding Montana travel research;
This task is accomplished by soliciting, evaluating and approving research projects to be executed within the budget established by MCA 15-65-121 item 2-b for the Institute for Tourism and Recreation Research (ITRR).

- f. approve all travel research programs prior to their being undertaken;
 - g. encourage regional nonprofit tourism corporations to promote tourist activities on Indian reservations in their regions.
 - h. The Council may modify the tourism regions established by executive order of the Governor.
3. **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 resignation or replacement at the discretion of the Governor. Members may re-apply at the end of each term for an unlimited number of terms.
4. **ELECTION OF OFFICERS:** At the first meeting of the fiscal year (fall meeting), 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. A Nominating Committee shall recommend a slate of officers.
5. **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.)
- a. **FREQUENCY:** 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 in coordination with the Office of Tourism. Meeting dates should be determined one year in advance.
 - b. **LOCATION:** The Council shall recommend the location of the meetings and the Executive Committee will make final selection subject to budget and staffing provided by ISO. Special meetings may be called by the Chair and shall be called upon the written request of three members of the Council.
 - c. **NOTIFICATION AND PUBLIC PARTICIPATION:** Council staff shall send written notice with the proposed agenda of any special meeting to all members and the public up to 72 hours, but no less than 48 hours, in advance. All meetings of the Council and its committees shall comply with Montana law as it applies to open public meetings and notice requirements.
 - d. **QUORUM AND PROCEDURE:** A quorum of the Council shall consist of a majority of the active members. 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.)

- e. **ORDER OF BUSINESS:** The order of business at regular Council meetings shall generally follow the agenda, which is sent out 48-72 hours in advance, but may be modified by a majority vote of the members present. 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.
- f. **PUBLIC COMMENT:** 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.
- g. **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 (or abstain). 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. Proxy votes will not be permitted.

6. JOB DESCRIPTION: Responsibilities of a Council member

- a. Regularly attends Council meetings and important related meetings. The Council meets a minimum of 3 times a year and typically holds an annual retreat.
- b. Makes serious commitment to participate actively in Council work.
- c. Has a clear understanding of the Rules and Procedures for use of the Montana Lodging Use Tax Revenue.
- d. Volunteers for and willingly accepts assignments and completes them thoroughly and on time.
- e. Stays informed about Council matters, prepares themselves well for meetings, and reviews and comments on minutes and reports.
- f. Gets to know other Council members and builds a collegial working relationship.
- g. Is an active participant in the Council's annual retreat and planning efforts.
- h. Annually attend at least 1 meeting of the Region which you represent, 2 Destination Management/Marketing Organization (DMO) meetings, and the Governor's Conference on Tourism.
- i. Travel expenses are reimbursed at State rates using expense reports after meetings have been attended.
- j. **CONSEQUENCES FOR REPEATED UNEXCUSED ABSENCE:** Council members who miss more than 50% of scheduled council and committee meetings annually will be considered inactive. A request will be sent to the Governor asking that the appointee's term be terminated and a request for a replacement may also be made. Meetings may be attended in-person or virtually when possible. Excused absences are permitted when Council chair or Office of Tourism staff are notified at least 3 business days in advance.

7. **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. Committees shall engage staff and organizations for input on topics, but only committee members vote on recommendations to be brought before the full council.

In no event may the Council delegate its statutory duties, rights, or obligations to a committee. Committees may act on behalf of the full Council with a vote of approval as an agenda action item. Committee assignments shall be reviewed annually by the Chair after the first meeting of the fiscal year.

Standing Committees include Executive, Marketing, Research, and Nominating. Should the need for an Ad Hoc Committee be determined by any Council member, it shall be vetted by the Executive Committee and brought before the full council at a regularly scheduled meeting for a vote.

- a. **EXECUTIVE COMMITTEE** shall exist to provide direction, as requested, to the Office of Tourism Program Manager between Council meetings. Other Executive Committee duties include reviewing agenda items and industry topics in advance of meetings, evaluating meeting locations, identifying members for nominating committee. The Executive Committee shall be appointed by the Chair and shall be composed of a minimum of four Council members. Committee is to include the current Chair, the Vice Chair, and/or a combination of the two most recent past Chairs or any other members currently serving on the Council. The Chair shall serve as an ex-officio member on all committees.
- b. **MARKETING COMMITTEE DUTIES & PROCESS**
 - i. **DMO Plans:** While all TAC members are to read and comment on DMO Plans, the Marketing Committee must be intimately familiar with the plans, provide preliminary feedback, verify changes are made, and provide recommendations to the full Council. Marketing plans are submitted electronically (fundingmt.gov) in early May, reviewed within two weeks to offer feedback, then a Marketing Committee conference call is held to vote* on recommendations 2 weeks prior to the June TAC meeting where a vote is brought to full Council based on the recommendations. Coordinate with Brand MT on plan presentation format at June meeting. The committee shall also review past DMO Plan Evaluation Reports.
 - ii. **Audits:** Marketing Committee also does preliminary screening of audits (financial review of marketing expenditures) to bring recommendations for approval to the full Council. This occurs throughout the calendar year as Compliance Specialist completes them. All audits must be completed by organizations by January 31. The committee can review in batches as available, but should have recommendation ready 2 weeks in advance of next TAC meeting. (Brand MT contact: Compliance Specialist)
 - iii. **Time Commitment:** in addition to scheduled full TAC meetings: Annual marketing plan review includes up to 30 hours spread out over several weeks in May. Allow one-half to one hour per plan to review, plus

- one 2-hour conference call to establish committee recommendations.
- Annual audit reviews: approx. 3 hours (by phone) in 1 hour increments
- iv. A staff member from Brand MT coordinates setting up meetings. Minutes are not currently kept of committee meetings. (Brand MT contacts: Office of Tourism Program Manager and Compliance Specialist)
- v. The Marketing Committee Chair shall report on activity and present action items at regularly scheduled Council meetings.

**Votes require a motion, a second, option for discussion, call the question -- for recommendations as well as full Council. A majority of committee is needed on calls to establish a quorum, and votes pass with simple majority of attendees. Marketing Committee Chair leads the calls and the marketing section of the full Council meeting. Votes are recorded by Brand MT staff.*

c. RESEARCH COMMITTEE DUTIES & PROCESS:

- i. The Research Committee works with the Institute of Tourism & Recreation Research (ITRR) in reviewing possible tourism-related research projects and brings recommendations to the full Council. See annual committee list for at-large organization representatives, Brand MT, and ITRR participants. The Research Committee chair works very closely with ITRR.
- ii. Annual Research Projects Requests: Approximately 15 hours reading and prioritizing the annual list of requests, each September prior to the Fall TAC meeting. A 3-hour in-person meeting at Fall TAC to review and narrow down project list. This process involves all committee members.
- iii. January Conference Call: ITRR provides budget for prioritized projects. Preparation requires about 1 hour of advance reading of the proposals plus +/- 2 hours on phone call to finalize Committee's project recommendations. The TAC members on the Research Committee will vote* on recommended projects to bring to the full TAC at the First Quarter meeting for final approval by vote of full council.
- iv. Ongoing year-round: review of draft project reports prior to publication: approximately 1-2 hours per report with about 4-8 reports each year that require review.
- v. Every 4-5 years: Full day Research Retreat, either prior to scheduled TAC meeting or at University of Montana in Missoula, or other site as decided by ITRR and the Research Chair.
- vi. ITRR coordinates setting up meetings, as directed by Research Committee Chair. Minutes are not currently kept of committee meetings.
- vii. The Research Committee Chair shall report on activity and present action items at regularly scheduled Council meetings.

**Votes require a motion, a second, option for discussion, call the question. A majority of committee is needed on calls to establish a quorum, and votes pass with simple majority of attendees. Committee Chair leads the calls and the research section of the full Council meeting. Votes are recorded by Research Committee Chair and by ITRR.*

d. RULES AND PROCEDURES REVIEW COMMITTEE: Every three years, or as needed, the Council is responsible for reviewing the Rules and Procedures for

DMOs with input from representatives from the organizations, staff and legal counsel. The Council is also responsible for a DMO Handbook, a more in-depth practical guide for utilizing bed tax funding which may be updated more frequently without full Council approval.

- i. A typical review may begin in January, a draft presented at First Quarter TAC meeting with final approval at Fall TAC meeting. This is subject to lengthy legal review and public comment before officially implemented. Brand MT staff must record changes on master document during discussions. (Brand MT contacts: Office of Tourism Program Manager , Compliance Specialist, Legal Council)
 - ii. The Committee makes a recommendation to bring to the full Council for approval.
 - iii. Three-year review process (or as needed) takes up to 40 hours spread out over several months.
 - iv. DMO Handbook updates may occur as needed.
 - e. **NOMINATING COMMITTEE:** members of the Executive Committee or those Council members designated by the Chair shall identify leadership potential within the Council and recommend a slate of officers and succession plan.
 - f. **AT-LARGE COMMITTEE MEMBERS:** organization representatives, Brand MT staff, and ITRR participants are welcome to participate and offer recommendations. (see annual committee list)
 - g. **INDIAN COUNTRY TOURISM:** Meetings and activities TBD by Indian Country/State Tribal Economic Development. One Council member shall be appointed from Tribal Government.
 - h. **MONTANA HERITAGE COMMISSION:** By code, one Council member shall apply to be appointed to the Montana Heritage Commission. Quarterly meetings determined by MHC. That TAC member shall provide reports at regularly scheduled meetings.
 - i. **TOURISM GRANT REVIEW:** The Council shall participate in the selection process of Tourism Grants. Grant application cycle and review parameters determined by ISO. (Brand MT contacts: Office of Tourism Program Manager, Tourism Grant Manager)
8. **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.
9. **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 Montana Office of Tourism and Business Development of the Montana Department of Commerce at 301 South Park Avenue, Helena, Montana, and shall be available for inspection during normal business hours.

10. **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.
11. **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.
12. **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.
- a. 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 Office of Tourism Program Manager who will channel up to the Director of the Department of Commerce. The request for approval to testify can be made informally (e.g., 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.
 - b. 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.
 - c. 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.
13. **TRAVEL REIMBURSEMENT:** Council members serve without pay, however traveling for authorized purposes will be reimbursed accordingly.
- a. request State rates for LODGING or use the pre-arranged accommodations provided by staff. Individual will be reimbursed at actual cost, including taxes, up to State rate unless pre-approved by the process provided by ISO staff. If not pre-approved, the Individual will be responsible for the overage between State rate and actual room rate. A receipt indicating paid in full is required from the lodging establishment.

- b. TRANSPORTATION by automobile is reimbursed at the established State mileage rate. Transit expenses require receipts. Ride and cost sharing is encouraged and ISO staff will arrange for equitable reimbursement to participants.
- c. MEALS are reimbursed at a set per diem for morning, midday, and evening meals based on the length of time required for travel. See Travel Expense Form provided by staff for details and current State per diem rates. Travel advances are not permitted.
- d. OTHER EXPENSES without receipts are reimbursed up to the allowable amount determined by the State (see Rules and Procedures).

14. **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.