

STATE OF MONTANA
DEPARTMENT OF COMMERCE
HARD ROCK MINING IMPACT BOARD MEETING
November 15, 2018 8:30 a.m. – Helena, Montana
301 S. Park Avenue, Room 228

Keith Kelly, Helena – Financial Institution
John Rogers, Clancy – Public at large
Mark Thompson, Butte – Mining Industry

Donna von Nieda, Nye – School District
Jane Weber, Great Falls – County Commissioner

Notice of Public Meeting

The Board will be meeting at 8:30am, Thursday, November 15, 2018 at the Montana Department of Commerce (301 South Park) Helena, MT. For more information or to request reasonable accommodations for a disability, please contact CDD staff at (406) 841-2770 or at DOCCDD@mt.gov before the meeting. Conference call information for this meeting is available on the Hard Rock Mining Impact Board website (<http://comdev.mt.gov/Boards/HRMI/Meetings>).

Agenda:

1. Call to order
2. Roll call
3. Opportunity for public comment on items not on the agenda, but within the Board's jurisdiction
4. Board selection of the chairperson and vice chairperson
5. Presentation of minutes (10/14/16 meeting)
 - *CDD Staff update*
 - *Opportunity for public comment*
 - *Board discussion*
 - *Board action (as applicable)*
6. Orientation updates
7. Email and Security training session
8. Discussion of Hard Rock Mining Impact Board correspondence
9. Hard Rock Mining Impact Trust Account Annual Payments
10. Opportunity for public comment
11. Board Matters
 - a. Schedule next meeting
12. Other Comments/Questions
13. Adjournment

Hard Rock Mining Impact Board

Draft Meeting Minutes

October 14, 2016

MT Department of Commerce, Helena, Mt

Board Members Present

Chair Mary Ellen Cremer, Donna von Nieda, and Jane Weber. Vice-Chair Marianne Roose was on the phone. Absent was Joe Michaletz.

Montana Department of Commerce Staff Present

Melinda Cummings, Administrative Officer, and Amy Peck, Administrative Assistant Supervisor.

Public present by phone:

Patty Scott – East Clark Street Water-Sewer District

Welcome – Call to order

Chair Cremer called to order the meeting of the Hard Rock Mining Impact Board at 9:10 a.m.

Opportunity for Public Comment

- No public comment was provided.

Approval of Minutes (August 9, 2016)

Action by the Board: Ms. Weber made a motion to approve the August 9, 2016 Minutes. Ms. von Nieda seconded. Motion passed.

Discussion for the Guide of the Implementation of The Hard-Rock Mining Impact Act and The Property Tax-Base Sharing Act:

- Discussion of edits to the Guide and Appendices was made by the Board.

Action by the Board: Ms. von Nieda made a motion to approve the automatic update of any contact information within the Guide in order for it to stay current. Ms. Weber seconded. Motion passed.

Action by the Board: Ms. von Nieda made a motion to review and approve any updates that may need to be made to the Guide at the conclusion of the Legislative session. Ms. Weber seconded. Motion passed.

Board Matters:

- The Board agreed to hold the next meeting May 5, 2017 in Helena, MT.

Adjournment:

With no other business, Ms. von Nieda made a motion to adjourn. Ms. Weber seconded. The meeting was adjourned by Chair Cremer at 10:10 a.m.

Mary Ellen Cremer, Board Chair

Date



Orientation Handbook



Montana's Boards, Councils and Commissions
October 2018

Photo Credits: Montana Office of Tourism and the Montana Tourism Advisory Council



GOVERNOR STEVE BULLOCK

Thank you for your commitment to Montana. It is my sincere hope that providing your experience, skills and knowledge to the state of Montana is as rewarding and enriching to you as it will be beneficial to all of Montana.

You have accepted great responsibility and we will be expecting wonderful insight and thoughtful leadership from you.

I look forward to working together over the next couple of years as we keep Montana one of the best places to work, live, raise a family and start or grow a business.

Boards, Councils and Commissions - Every board is unique in its purpose, authority, membership and mission. Becoming familiar with your board type and mission will help you be successful. Staff with your board, council and commission should provide specific orientation materials, background and any applicable forms or documents you might need. You can always contact staff with your board or the Governor's office for additional information.

Montana State Government - Every board, council or commission is attached to one branch of government, Executive, Legislative or Judicial. In the Executive Branch, there are agencies and every board is attached to an agency for management and administration.

Quasi-Judicial Boards - These boards make independent decisions and have unique governing structures. While many of them are allowed to make their own decisions, in most cases agency attorneys will still advise and direct quasi-judicial boards on their jurisdiction.

Advisory Councils - Advisory Councils are simply that, advisory in nature. They exist to advise their agency, department, elected official, etc. They typically do not direct staff, make binding decisions or set policy.

Authority to Act - Authority, when given, is always given to a board as a whole, not to an individual member. A board's majority must agree on a course of action, and individual members may not act without prior approval of the board as a whole.

Confidentiality - The Montana Constitution balances the public's right to know with an individual's right to privacy. As a board member it is important to understand what issues are required to be reviewed in public and which issues require confidentiality. Staff and attorney's with your board can assist with any questions you might have.

PUBLIC SERVICE

Public service is something we are all committed to and requires a unique set of skills and communication. In order to participate effectively, the following set of skills can be most useful: serve the public's interest first; perform your duties openly with the public; attend meetings regularly; come prepared; communicate; and have respect for others. Life, family, career and other obstacles can arise. If you feel you can no longer serve your board effectively, please contact the Governor's Office to make alternative arrangements.

Right of Participation - The Montana Constitution allows the public the right to access and participate in government.

Right to Know - The Constitution also allows the public to review documents and the deliberations of public bodies, except in cases where the demand of individual privacy clearly exceeds the merits of disclosure.

Open Government - Under Montana law, all meetings are open to the public regardless of the nature of the issues being discussed.

Closing Meetings - There are some boards that deal with cases or information where the right to individual privacy outweighs the public's right to know. Some examples include personnel reviews, medical case files or accusations of misconduct. In all such cases, staff with your agency will work with the board Chair to determine which portions of a meeting are conducted in closed session.

Communication - Meetings are required to be public anytime a quorum is present, and in small groups this can occur by any method, email, social media or phone calls. Make sure to respect the public's right to participate and know that email, text or social medial communication can potentially be subject to public review and scrutiny.

Ethics - As a public officer, you are required to follow the state of Montana's code of ethics and conduct. When a personal or professional conflict arises in your work, it may be necessary to withdraw your vote or disclose the conflict. Substantial gifts are not allowed, and that includes anything valued over \$50. Confidential information may not be used for personal economic gain. Public property of the state may not be used in the benefit of private business. Proof of an ethics violation may be grounds for removal.

Safety and Threats - While extremely rare, sometimes the public may become incensed over an action or comment made by a board member. The public has the right to voice their disagreement, but you have the right to feel safe. If you ever encounter a scenario where you no longer feel safe or have received threats of harm against yourself or others, please notify both your local law enforcement as well as the staff at your board, council or commission immediately.

BOARD BUSINESS AND LEADERSHIP

Quorum – Typically a majority of membership constitutes a quorum, which is the minimum number of members who are required to be present in order to do any business. Check with your staff to determine if any special rules dictate your boards’ quorum requirements, as some boards differ.

Meetings – While no two meetings are the same, all public meetings tend to follow similar protocol, most following **Roberts Rule of Order**. Many start with a call to order, a roll call/attendance, approval of past minutes, reports from officers, staff, standing committees, new business, public comment, announcements and adjournment.

Presiding Officer or Chair – All boards have a presiding officer or Chair. In some cases, the Governor selects this person, in others the board votes to select this person. Regardless of how they are chosen, they share the same responsibilities. Chairs work with staff to prepare agendas and schedules, and they run the meeting. Chairs must balance their role to guide the meeting with that of a board member to remain engaged in the meeting. Between meetings Chairs may do additional work to prepare the board and staff for future meetings or on projects as necessary.

Tips for Chairs

- Time Management** – Keep members and the public on schedule.
- Agenda** – Keep comments to the approved agenda items and topics.
- Respectful** – Keep comments, meetings and all discussions respectful.
- Staffing** – Provide services or other assistance to staff as they help your board by taking meeting minutes or other services.
- Open Meetings** – Ensure the public has the right to participate and that they introduce themselves when presenting or commenting.
- Motions** – Advise members when they need to clarify or adjust motions.
- Rules** – Ensure the meeting and board follows all applicable rules.
- Voting** – Keep discussion on the motion at hand, and follow general procedures which typically include a motion, a second, discussion and then a vote by members.
- Recusal** – When a Chair needs to leave early or has a conflict of interest, they may recuse themselves and the position by assigning it to their Vice Chair or another member, as guided by their rules.

LEGISLATIVE COMMUNICATIONS

Every legislative session, board members get involved in the legislative process. The most important distinction is to know whether you are participating as a private citizen or in your capacity as a board member. In order to participate and introduce yourself as representing your board, you must follow specific approval steps, including board, agency and then Gubernatorial approval.

Governor's Role – The Governor is the Chief Executive of the Executive Branch and is responsible for formulating and administering all of the policies of the Executive Branch and this includes all budgets, policies and priorities. This responsibility extends to boards connected to the Executive Branch. He and his office work diligently to coordinate these efforts both within and across all state agencies. Boards must work with their agency structure to coordinate all legislation and lobbying efforts.

Boards' Role – The most common role boards play is to advocate for bills correcting program defects, fixing statutory problems, resolving conflicts or supporting improvements in their area of expertise. Less frequently, they may become involved in controversial bills. In cases where conflict exists between boards, agencies or other policies, the Governor is empowered to resolve the conflict and make the final decision prior to legislative lobbying. This may mean that your board is not authorized to support legislation you previously voted to support.

Approval – Boards must work through public meeting rules to allow public input on bills of interest. Also a vote of approval must take place for a board to move forward in the approval process. A majority of members must support a bill or a general concept when flexibility is required during the legislative process. Then the board must seek agency approval. Again, agencies and the Executive Branch work to coordinate all efforts, to ensure there are not any duplicative or conflicting efforts.

Testimony – All board members should only give testimony that is factual, relevant and informative, and approved by their board. This information should be well understood and presented in a way that does not create conflict, confusion or surprise. They should introduce themselves as representing their board. There are times when a board member may disagree with the approved position of a majority of their board. Should they choose, these board members may appear and testify on their own behalf, but must state definitively that their views are not shared by their board and they are not eligible for any official support or reimbursements for doing so.

Advisory Councils – Advisory Council members are rarely approved to testify at the Legislature. As their service is advisory in nature, if their policy direction is adopted, an agency will pursue the legislation with that recommendation. Some may be asked to participate and with agency approval may do so. If approved, this testimony should also be simply advisory and a summary of what the Council may have advised their agency.

MEDIA COMMUNICATIONS

Media can attend meetings and report on statements, debates and actions taken by you and your board, council and commission. These members of the media may also contact you directly about your appointment, decisions and statements made. Public officials are expected to treat members of the media with respect and honesty.

As a board member you have the support of staff at your board, council or commission. You are encouraged to let them know if media contact you outside of a meeting either for assistance. This staff can help you with a response or keep other board members, the agency and the Governor's office informed of current and potential news stories.

Some quick tips to consider:

- Always ensure your interactions with the media are respectful.
- You have the right to not comment and/or request to have another person complete the conversation (staff or another board member).
- Your staff is available and wants to help you and the board be represented well in the media.
- You must follow all confidentiality rules as they apply to your work.
- If you are speaking on behalf of your board, please ensure you have the approval and support of your board along with an approved response.



Additional Resources

Governor's Office: www.governor.mt.gov

Boards and Appointments: www.boards.mt.gov

State Government: www.mt.gov

Montana State University's Burton K. Wheeler
Center: www.wheelercenter.org

Montana State Legislature and Montana Code:
www.leg.mt.gov

Commissioner of Political Practices:
www.politicalpractices.mt.gov

Administrative Rules: www.mtrules.org

Secretary of State: www.sos.mt.gov

State of Montana Ethics Guidelines: www.hr.mt.gov

HARD-ROCK MINING IMPACT BOARD

September 19, 2018

Meagher County Commissioners
15 W. Main Street
White Sulphur Springs, MT 59645

City Council of White Sulphur Springs
105 West Hampton
White Sulphur Springs, MT 59645

White Sulphur Springs School District #8
405 S. Central Ave.
White Sulphur Springs, MT 59645

Tintina Montana
c/o Nancy Schlepp
17 E Main Street
White Sulphur Springs, MT 59645

NOTICE OF LOCAL GOVERNMENTS' RESPONSIBILITIES AFTER SUBMISSION OF HARD ROCK MINING IMPACT PLAN FOR REVIEW

Meagher County's Responsibilities

This letter serves as an informal notice of Meagher County's responsibilities after a large-scale mineral developer submits an impact plan to the Hard-Rock Mining Impact Board (Board) and affected local government units. Meagher County must promptly publish notice of its receipt of the plan, publish notice and hold a public hearing on the impact plan during the 90-day review period, and provide the Board with a copy of each notice to the Board. The 90-day review period begins after the developer formally submits the impact plan to the affected local government units.

Pursuant to 90-6-307(1), MCA, the governing bodies of the affected counties must publish notice of the submission of an impact plan at least once in a newspaper of general circulation in the county. The notice should identify the dates of the review period and where copies of the plan are available for public review. The notice should appear in large, readable format.

Additionally, 90-6-307(4), MCA, requires the governing body of the county where fiscal impacts on local government units are forecasted in the impact plan to be most costly to, within 90 days after receipt of the impact plan from the developer, conduct a public hearing on the impact plan. Please promptly provide the Board a copy of each publication.

Affected Local Government Units Optional Actions

The county and other affected local government units should be aware of the following optional procedures: (1) request for financial assistance to review plan, (2) request for extension of 90-day review period, (3) filing an objection, and (4) modifying a submitted impact plan.

Pursuant to 90-6-307(3), MCA, a governing body of an affected unit of local government may request financial assistance from the mineral developer, prior to the end of the 90-day review period, as necessary to prepare for and evaluate the impact plan. The governing body of the affected county must contract with the developer to obtain the requested financial assistance for each unit of local government within the county. Any disbursements to a unit of local government for the preparation and evaluation of the impact plan must be credited against future tax liabilities.

During the 90-day review period, an affected local government unit may petition the Board for one 30-day extension by submitting a written request to the Board stating the need and justification for the extension. If the Board grants an extension, the extension only applies to the local government unit that submitted the extension. The Board will grant an extension unless there is no reasonable basis for the request. See 90-6-307(6), MCA.

If an affected local government unit objects to the impact plan, it must notify the Board in writing within 90 days after receipt of the impact plan from the developer or within a granted extension period and specify the reasons for the objection. An objection must contain the contents specified in the Board's administrative rule 8.104.207. A sample objection form is found in Appendix VII to the Guide of the Implementation of the Hard-Rock Mining Impact Act and the Property Tax-Base Sharing Act.

The affected local government units and the developer may mutually agree to modify the impact plan during the 90-day review period, the negotiation period, or an extension of either. Modifications must meet the requirements outlined in administrative rule 8.104.213. For more information regarding modifications to the impact plan please see the Guide of the Implementation of the Hard-Rock Mining Impact Act and the Property Tax-Base Sharing Act, Chapter III, Subsection D.

Here is a list of resources that affected local governments and the developer may find helpful:

Statutes: Title 90, Chapter 6, Parts 3 and 4

https://leg.mt.gov/bills/mca/title_0900/chapter_0060/parts_index.html

Administrative Rules: Title 8, Chapter 104, Subchapter 2

<http://mtrules.org/gateway/ChapterHome.asp?Chapter=8%2E104>

Guide of the Implementation of the Hard-Rock Mining Impact Act and the Property Tax-Base Sharing Act

<http://comdev.mt.gov/Boards/HRMI/HRPlanInfo>

Appendices to the Guide

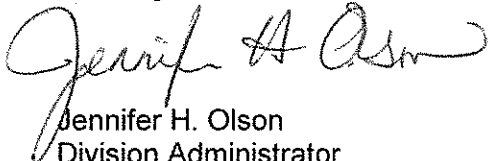
<http://comdev.mt.gov/Resources#Programmatic-Resources-1002>

Hard-Rock Mining Impact Board Website
<http://comdev.mt.gov/boards/hrmi>

Please note that during the 90-day review period and the 30-day negotiation period, the Board's staff may not communicate with any party concerning the substance of the impact plan. However, the Board's staff is more than happy to provide information concerning the technical compliance of a plan with statutes and board rules and the plan review process as long as the information does not relate to the substance or merits of a particular plan. Board members may not communicate with any representative of any party to the plan outside the context of a public meeting on any issue related to the plan until the plan has received final approval. See administrative rule 8.104.210.

Any communications or submissions regarding the Board may be addressed to the Hard-Rock Mining Impact Board, Department of Commerce, 301 South Park Ave., P.O. Box 200523, Helena, MT 59620-0523.

Best regards,



Jennifer H. Olson
Division Administrator
Community Development Division
Montana Department of Commerce

HARD-ROCK MINING IMPACT BOARD

October 3, 2018

Meagher County Commissioners
15 W. Main Street
White Sulphur Springs, MT 59645

City Council of White Sulphur Springs
105 West Hampton
White Sulphur Springs, MT 59645

White Sulphur Springs School District #8
405 S. Central Ave.
White Sulphur Springs, MT 59645

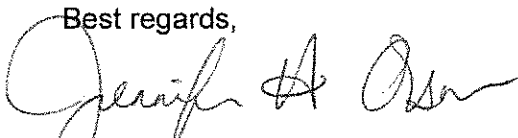
Tintina Montana
c/o Nancy Schlepp
17 E Main Street
White Sulphur Springs, MT 59645

NOTICE OF 90-DAY REVIEW PERIOD

This letter serves as an informal notice of the 90-day review period following the submission of a hard-rock mining impact plan. Affected local government units have 90 days to review the submitted plan. The 90-day review period begins the day after the plan is received by all affected parties and extends to the ninetieth day (or if the ninetieth day is a Saturday, Sunday, or holiday, to the next day which is neither a weekend or holiday). The Hard-Rock Mining Impact Board is in receipt of all proofs of submission from the developer, Sandfire Resources America, to the affected local government units. In this case, all affected local government units were hand delivered the impact plan on September 4, 2018. Therefore, the 90-day review period ends on **December 4, 2018**.

Any communications or submissions regarding the Board may be addressed to the Hard-Rock Mining Impact Board, Department of Commerce, 301 South Park Ave., P.O. Box 200523, Helena, MT 59620-0523.

Best regards,



Jennifer H. Olson
Division Administrator
Community Development Division
Montana Department of Commerce

MONTANA HARD ROCK MINING IMPACT BOARD

Date: October 5, 2018

Re: Hard Rock Mining Impact Trust Account Annual Payments

As required by sections 90-6-304, MCA and 90-6-331, MCA, the Hard Rock Mining Impact Board must pay the following amounts from the state special revenue fund #02049 to the respective County Treasurers. The below provides the following breakout of the payments to be made to the impacted local governments.

<u>COUNTY</u>	<u>MINE</u>	<u>ALLOCATION</u>
Granite	Potentate Mining	\$ 73.39
Jefferson	Golden Sunlight	\$ 13,925.40
Jefferson	Bear Creek Placer	\$ 48.03
Meagher	Black Butte	\$ 3.30
Silver Bow	MT. Resources	\$ 72,123.21
Stillwater	Stillwater Nye Mining	\$ 38,560.58
Sweet Grass	Stillwater E. Boulder	\$ 47,747.01
Sweet Grass	Stillwater Nye Mining	<u>\$ 34,442.69</u>
	Total	\$ 206,923.61

The total amount of this payment is \$206,923.61. The responsibility center is #602003.

As required by section 90-6-331, MCA, each county must deposit the entire amount into the county hard-rock trust reserve account established as provided by 7-6-2225, MCA.

Sweet Grass County has two metal mines license tax paying mines and must maintain a separate hard-rock trust reserve account for each mine. On the advice for the warrant to Sweet Grass County, please note the amount attributable to each mine.

Jefferson County has two metal mines license tax paying mines and must maintain a separate hard-rock trust reserve account for each mine. On the advice for the warrant to Jefferson County, please note the amount attributable to each mine.