

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 2-501.1, 2-503, 2-503.1 AND 2-504 AND REPEALING RESIDENCY DURATION AND QUALIFIED VOTER REQUIREMENTS, REVISING THE PROCEDURE TO FILL A VACANT POSITION AND REVISING LOSS OF MEMBERSHIP DUE TO UNEXCUSED NON-ATTENDANCE OF MEETINGS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY BILLINGS THAT:

Section 1. That section 2-501.1 of the Billings, Montana City Code is amended and renumbered so that such section shall read as follows:

Sec. 2-501.1. - Qualifications for membership.

(a) Unless otherwise required by law, other City ordinance or permitted by interlocal agreement or memorandum of understanding with any other governmental or non-governmental entity or organization, aAll members of city advisory boards, commissions or committees must hold the following qualifications; ~~unless otherwise required by law or~~ City ordinance:

- (1) Resident of the city ~~for at least two (2) years;~~
- (2) ~~Qualified voter of the city;~~
- (3) ~~Resident of the state for at least three (3) years; and~~
- (4)(2) Eighteen (18) years of age or older.

(b) A city employee shall not be appointed to serve on a city advisory board, commission or committee that provides advice to the department for whom the employee works.

Section 2: That Section 2-503 of the Billings Montana City Code is amended so that such section shall read as follows:

Sec. 2-503. - Loss of membership.

If a member of any board, committee or commission of this city fails to attend three (3) consecutive scheduled meetings of such board, committee or commission without being excused from such attendance, such person shall no longer be considered a member of such board, committee or commission, and the position ~~may~~ shall be declared vacant by the mayor, unless otherwise provided by statute or interlocal agreement.

Section 3: That section 2-503.1 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 2-503.1. - Forfeiture of office.

The position of advisory board, commission, or committee member is forfeited and becomes vacant ~~for lack of qualification~~ upon the occurrence of any of the following events prior to the expiration of the term:

- (1) The death of the member;
- (2) The member's resignation;
- (3) The member's conviction of a felony;
- (4) The member's ceasing to meet the qualifications in Section 2-501.1 ~~be a resident of the city;~~ or
- (5) The decision of a competent legal tribunal declaring void the member's appointment.

Section 4: That section 2-504 of the Billings Montana City Code is amended so that such section shall read as follows:

Sec. 2-504. - Filling unexpired term.

When possible, vacancies occurring for any reason during the member's term shall be filled within sixty (60) days in the same manner as the original appointment. The appointment shall be for the remainder of the unexpired term. If a position remains vacant beyond sixty (60) days, notice of the vacancy shall be published periodically according to the judgment of the Mayor until the vacancy has been filled.

Section 5. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 6. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 7. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this ____ day of _____, 2019.

PASSED, ADOPTED and APPROVED on second reading this ____ day of _____, 2019.

CITY OF BILLINGS

William A. Cole, Mayor

ATTEST:

Denise Bohlman, City Clerk

