

MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding is entered into this ____ day of December, 2019, between the Housing Authority of Billings (HAB) and the City of Billings (City).

RECITALS

1. The Housing Authority of Billings (HAB) is a Municipal Housing Authority created under the statutory authority of Section 7-15-4401 through 7-15-4532, *et seq.*, Montana Code Annotated (MCA).
2. Section 7-15-4413, MCA, defines the boundaries of a municipal housing authority. For HAB, the boundaries are defined as the City of Billings and a 10-mile radius outside of the official City boundaries.
3. Section 7-15-4431 provides that the HAB consists of seven commissioners appointed by the Mayor and such appointments are confirmed by the Billings City Council. A commissioner may not be a City official.
4. Section 7-15-4431 (2), MCA provides that two of the appointed commissioners must be directly assisted by the housing authority and are known as resident commissioners. The staff of the housing authority may not involve itself in the nomination or appointment of resident commissioners, except that the housing authority shall notify all of the households directly assisted by the housing authority when a resident commissioner position is vacant.
5. Section 2-501.1, BMCC allows the residency requirements of a City Board or Commission membership to be modified by Interlocal Agreement, MOU or other applicable law.

NOW THEREFORE, in consideration of the Recitals and mutual promises and covenants contained herein, the parties do hereby agree as follows:

1. This MOU shall authorize the Mayor to appoint, and the City Council to approve, applications/renewals for HAB commissioners who reside within the legal jurisdictional boundary of the HAB as allowed by recently amended Section 2-501.1, BMCC.
2. Upon appointment or re-appointment of a commissioner, the Mayor shall file with the City Clerk a certificate of the appointment or reappointment in accordance with MCA 7-15-4431(3) and the certificate is conclusive evidence of the proper appointment of the commissioner.
3. At no time will the HAB Commissioners consist of a majority of members residing outside of the City Limits.
4. This Agreement shall become effective upon its filing with the City Clerk and shall remain in effect for a period of TEN (10) years and may be expressly renewed by the parties upon mutual written consent.

5. This Agreement may be terminated by either party giving 90 days' written notice of its intention to so terminate or by mutual written agreement of the parties.

HOUSING AUTHORITY OF BILLINGS

By: _____
Patti Webster, Executive Director

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

APPROVED AS TO FORM

BY: _____
Brent Brooks, City Attorney

ATTEST: _____
Denise Bohlman, City Clerk