

****ATTENTION****

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, second floor of City Hall, 220 N. 27th Street. In order to honor the Right of Participation and the Right to Know in Article II, Sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: www.billingsmt.gov and click on "Your Government," "City Council," and "Agendas & Minutes".
- View the meeting:
 - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. (*On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.*)
 - Online at www.com7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
 - On the City's website at www.billingsmt.gov and click on "Watch Meetings Online" on the homepage.
 - In-Person.
 - Virtually via Zoom (see the link below).

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- Email: Council@billingsmt.gov.
 - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Attend the meeting in person.
- Attend the meeting virtually through Zoom by entering the Webinar ID and Passcode indicated below. Click on *Zoom Meeting Instructions* and *Zoom Hybrid Meeting Details* below for more information. The link will allow you to attend, view and participate in the meeting on your computer, laptop or smart phone. (You must have the Zoom App on your device [Click Here to Download Zoom App](#)) To provide public comment at the appropriate time, click on the "raise hand" icon located at the bottom of the screen and the moderator will unmute your device.
 - **Don't have a smart phone, computer or laptop?** That's okay -- you can attend a Zoom meeting using your **landline phone**. Call the Zoom phone number, **1.253.215.8782** to join the meeting and follow the operator's instructions. Want to give public comment? Simply "*raise your hand*" by pressing *9 and the moderator will give you permission to speak when it is your turn. **Note this is a long distance toll number and charges may apply depending on your plan.*
- Click Here for [City Council Zoom Hybrid Meeting Details and Schedule](#)
- Click Here for [Zoom Meeting Instructions for Attendees \(as guests\)](#)

Webinar ID: 899 3605 5763

Passcode: 624215

Or join by phone: US: +1-253-215-8782

Please contact Denise Bohlman, City Clerk, at bohlmand@billingsmt.gov, or at 406.657.8210, with any questions.



VISION STATEMENT:
"The Magic City: A diverse,
welcoming community
where people prosper and
business succeeds."

CALL TO ORDER: Mayor Cole

PUBLIC COMMENT ON ALL ITEMS. This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. There will also be time in conjunction with each agenda item for public comment relating to that item. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster at the cart located at the back of the Council chambers or at the podium.

1. **Transit Development Plan.**
(Presented by: Rusty Logan, Transit Manager)
-Public Comment
2. **Commercial Property Assessed Capital Enhancement (CPACE).**
(Presented by: Andy Zoeller, Finance Director)
-Public Comment
3. **Ward Boundary Updates.**
(Presented by: Wyeth Friday, Planning Director)
-Public Comment
4. **Highlight Upcoming Agenda Items of Council Interest.**
(Presented by: Chris Kukulski, City Administrator)
-Public Comment

COUNCIL DISCUSSION:

PUBLIC COMMENT on "NON-AGENDA ITEMS". Speaker Sign-in required. (Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)

ADJOURN:

CLOSED EXECUTIVE SESSION* (Pending Litigation)

Note:

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a Closed Executive Session at the end of a Work Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4)(a), MCA, "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 City of Billings.

City Council Work Session

Date: 10/03/2022
Title: MET Transit - Transit Development Plan
Presented by: Rusty Logan
Department: Transit
Presentation: Yes
Legal Review Not Applicable

RECOMMENDATION

Staff recommends the Council receive a presentation on the Transit Development Plan final draft and recommendations developed by MET Transit in conjunction with SRF Consulting, and taking into consideration the public's comments received via survey and those comments received at three public meetings held over the Summer.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The City of Billings MET Transit Division identified the need to conduct a Transit Development Plan update to assess the current state of the transit system and develop recommended strategies for improvement. The most recent Transit Development Plan undertaken by the Division was finalized in 2015. With Billings experiencing significant growth in recent years and considering the recent passage of increased transit funding at the Federal level, having an approved and feasible plan in place is essential for MET continuing to provide effective transit services in the Billings area.

ALTERNATIVES

This item is a presentation only. City Council will be asked to provide a recommendation for the adoption of the Plan to the Policy Coordinating Committee (PCC) at a future City Council Regular Business meeting. The PCC will take final action on the Plan at one of its upcoming meetings.

FISCAL EFFECTS

The Total impact on fiscal effects depends on the level of plan acceptance and alternatives chosen. Any costs to implement are anticipated to be mostly offset by an increase in Federal operating funds provided by the Bipartisan Infrastructure Law (BIL); the City of Billings received an increase of \$542,156 in 5307 formula funds for FFY 22 and anticipates an FFY 23 apportionment of \$624,193. Formula funds are expected to increase by approximately four percent annually through FFY 26 based upon the BIL structure of graduated funding increases for transit.

Attachments

MET TDP Presentation



BILLINGS, MONTANA

TRANSIT DEVELOPMENT PLAN

CITY COUNCIL BRIEFING

October 3, 2022





Draft copy of the complete plan can be found at mettransit.com by clicking on Learn About Special Projects at MET Transit under the "How Do I..." menu.

Direct link to project: https://ci.billings.mt.us/DocumentCenter/View/47800/Billings-TDP_Draft_081112022



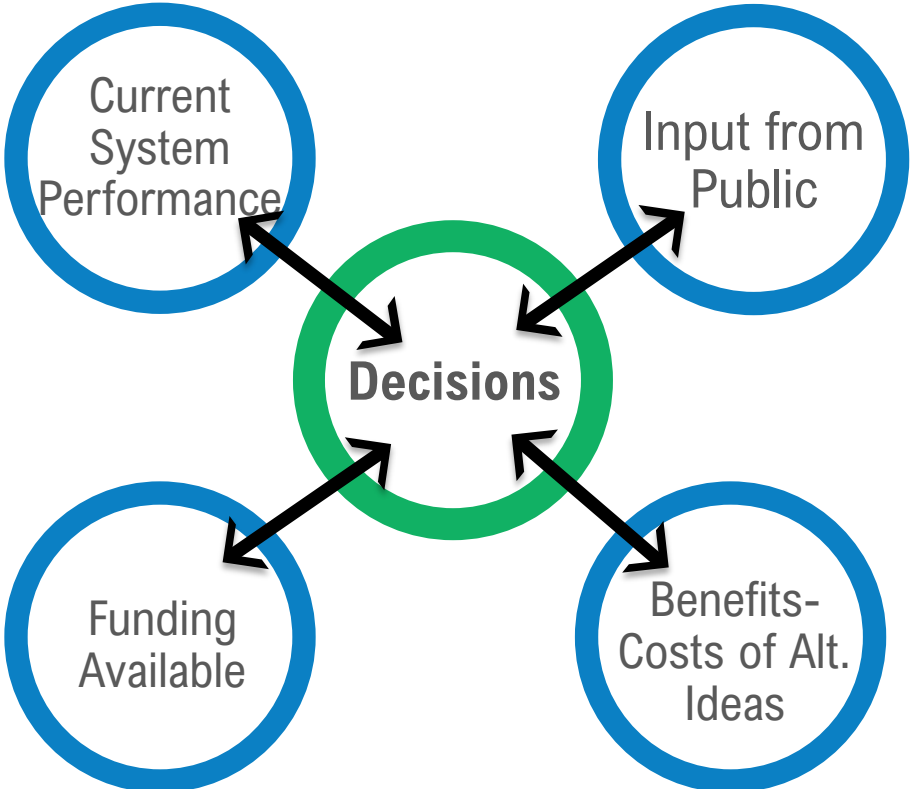
What We Will Cover in Presentation

- Inputs to Decision-making
- Service Improvement Recommendations:
 - Route Redesign Components
 - Service Expansion Components
- Benefits of Improvements
- Next Steps:
 - Adoption of the Plan
 - Implementation of Recommendations



Recommended Actions – Inputs to Decision-making

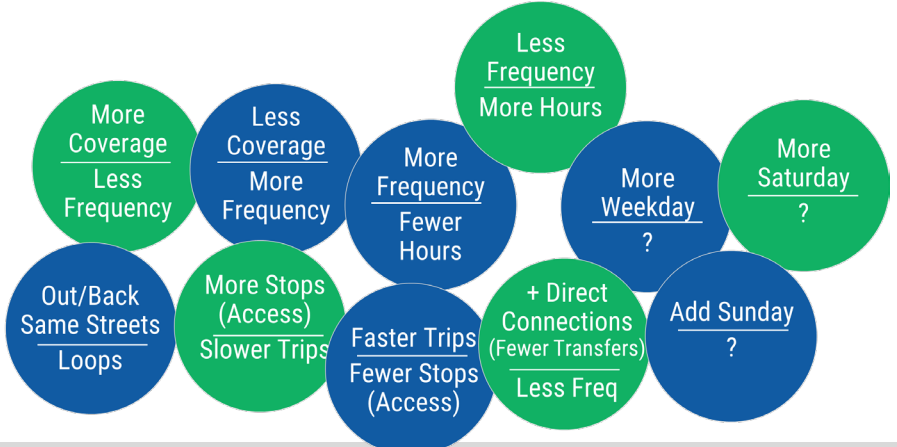
- Route Performance**
 - Current Route is Under-performing:
 - Service
 - Economic
 - Financial
- Segment Performance**
 - Lower Riders Per Revenue Hour
- Fill Gaps**
 - Identify Transit Supportive Areas without Service
- Redundancy**
 - Are Competing Routes Reducing Performance?



- Federal
- State
- Local

Engagement Summary

Date	Description
March 2022	Community Transit Survey
March 16, 2022	Informal Discussions at Jobs Jamboree, Metra Park
April 6, 2022	Informal Discussions at Walkable Cities presentation, Babcock Theater
April 7, 2022	Informal Discussions at Chamber Breakfast, Metra Park
May 4, 2022	Informal Discussions at Billings Public Library
May 4-5, 2022	MET Driver Meetings
May 5, 2022	Public Information Meeting 1 – Public Library (Presentation Slides in Appendix)
May 31, 2022	Informal Discussions at Commuter Challenge Kickoff, Rose Park
June 27, 2022	Informal Discussions at Downtown Transit Center
June 28, 2022	Public Meeting #2 – Community and Senior Center (Open House Meeting – No Presentation)
August 11, 2022	Informal Discussions at Southside Gardener’s Market
August 17, 2022	Informal Discussions at Downtown and Stewart Park Transfer Centers
August 18, 2022	Public Meeting #3 – Public Library (Presentation Slides in Appendix)



Community Outreach - Summary

Date	Description
March 2022	Community Transit Survey
March 16, 2022	Informal Discussions at Jobs Jamboree, Metra Park
April 6, 2022	Informal Discussions at Walkable Cities presentation, Babcock Theater
April 7, 2022	Informal Discussions at Chamber Breakfast, Metra Park
May 4, 2022	Informal Discussions at Billings Public Library
May 4-5, 2022	MET Driver Meetings
May 5, 2022	Public Information Meeting 1 – Public Library (Presentation Slides in Appendix)
May 31, 2022	Informal Discussions at Commuter Challenge Kickoff, Rose Park
June 27, 2022	Informal Discussions at Downtown Transit Center
June 28, 2022	Public Meeting #2 – Community and Senior Center (Open House Meeting – No Presentation)
August 11, 2022	Informal Discussions at Southside Gardener’s Market
August 17, 2022	Informal Discussions at Downtown and Stewart Park Transfer Centers
August 18, 2022	Public Meeting #3 – Public Library (Presentation Slides in Appendix)

Greater Detail of Proposals



What We Heard - Engagement

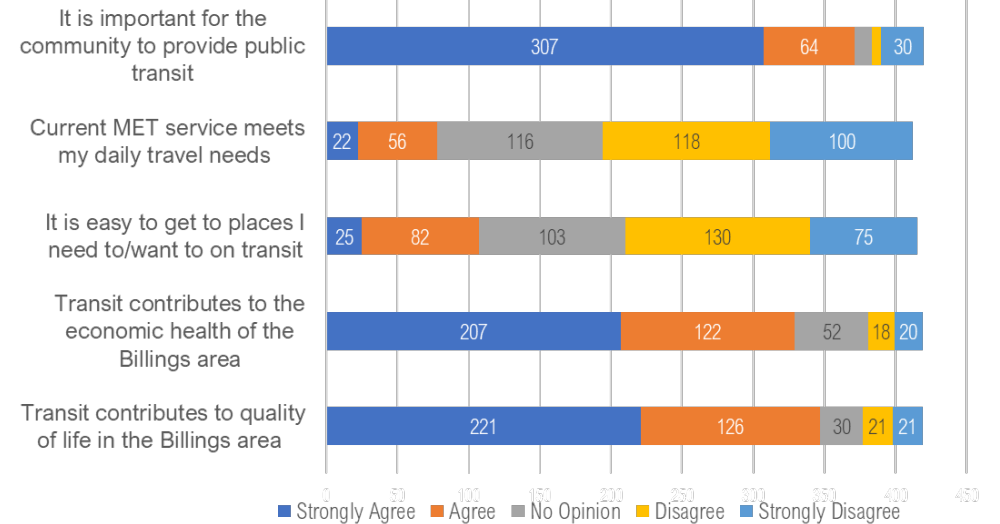
Community Engagement

- Community Survey:
 - Knowledge of Services
 - Transit Use
 - Do not use because?
 - Would You Ride If...?
 - Investment Priorities
- March 2022
- 512 Surveys!

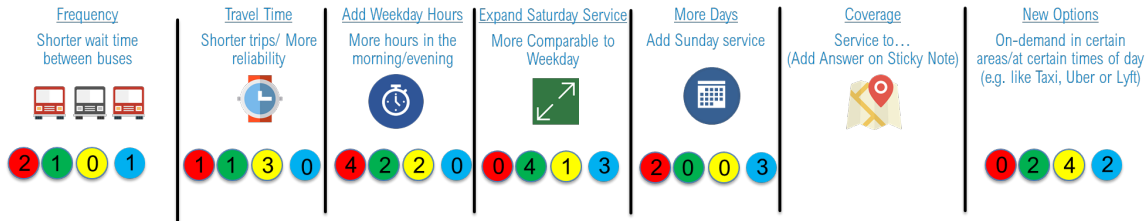


What Did We Hear from the Community?

Riders and Non-Riders



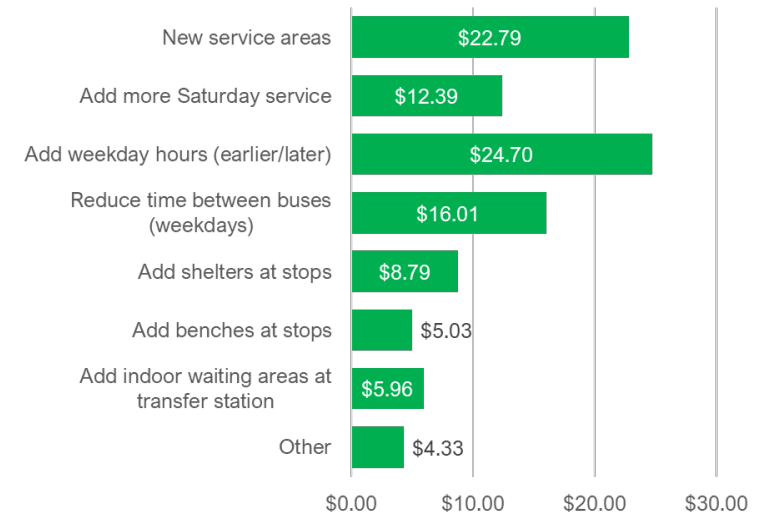
How Would You Prioritize Transit Service Improvements?



May 5, 2022 Public Meeting Input

Place DOTS ● - Highest Priority ● - 2nd ● - 3rd ● - 4th

How You Would Spend Improvement Dollars?



Anticipated Future Budget

+30%

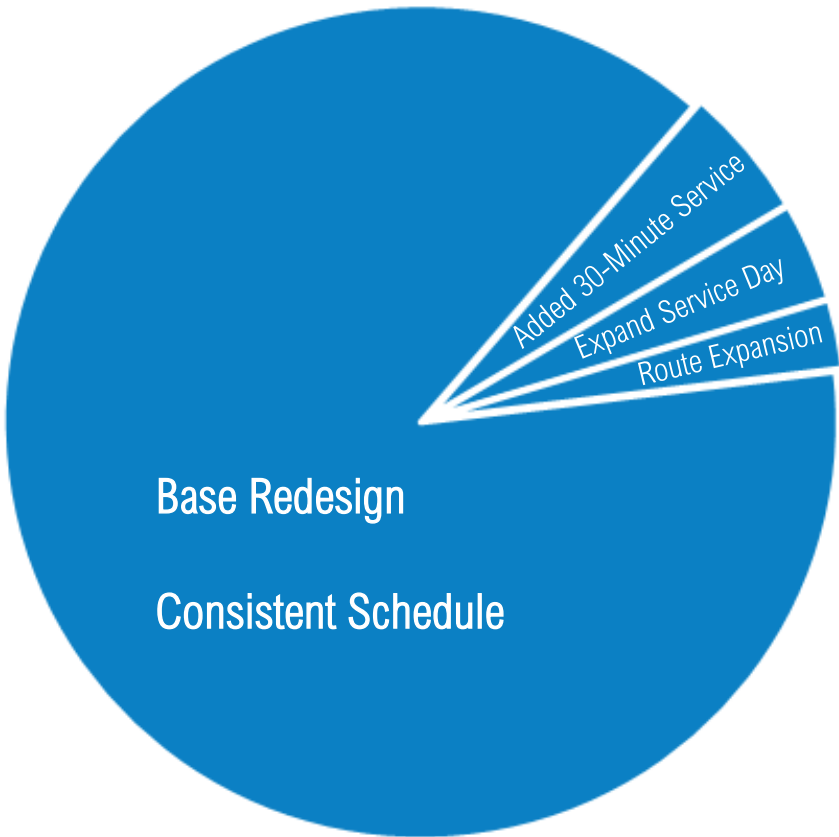
Reflects Average FEDERAL
Increment Over Next 5 Years

FY23: +\$540k

FY 24-27: +3-4% per Year

Anticipate LOCAL Funding to Match

Breakdown of Future Investment



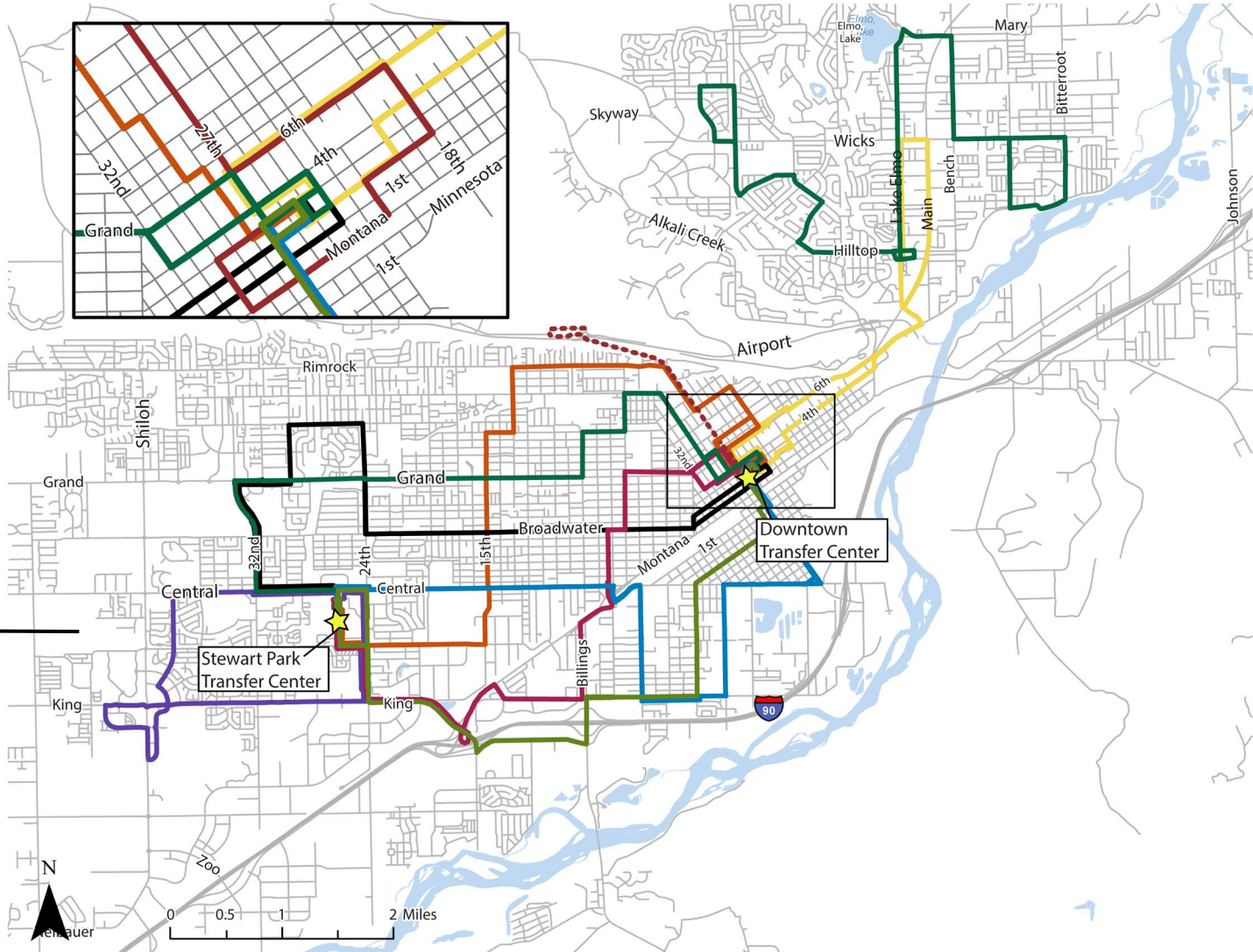
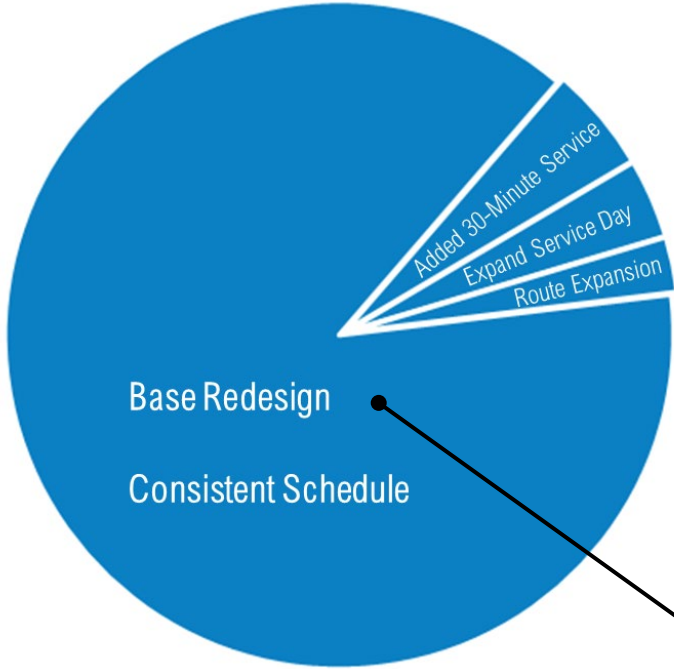
+30%

Federal Plus Local Match – 15-20% Increase in Total Operations Budget

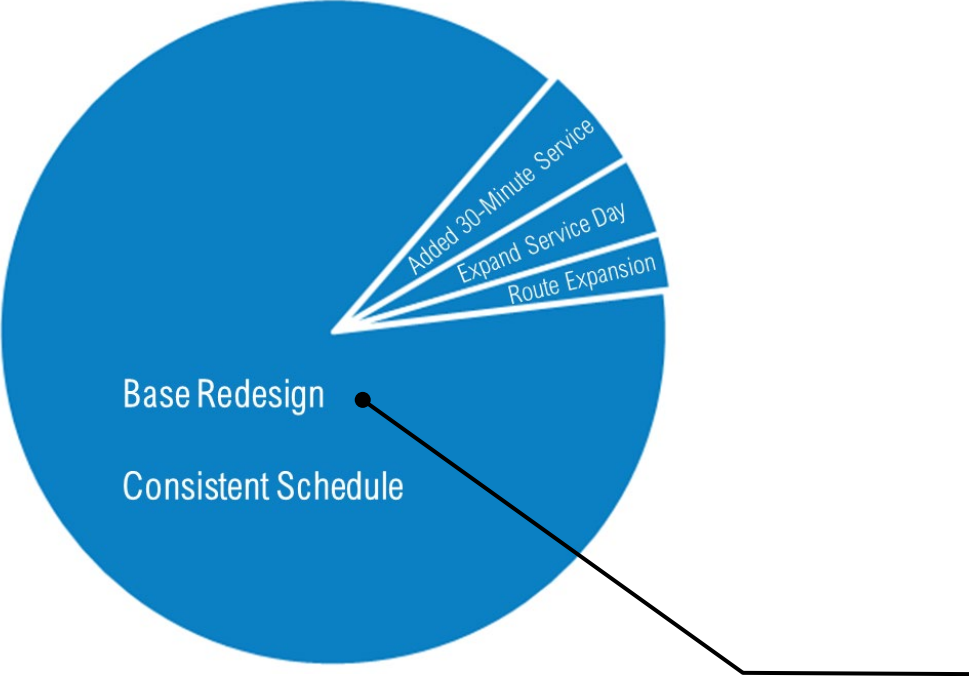


Fixed Route Network and Schedule Improvements

Breakdown of Future Investment – Baseline Redesign



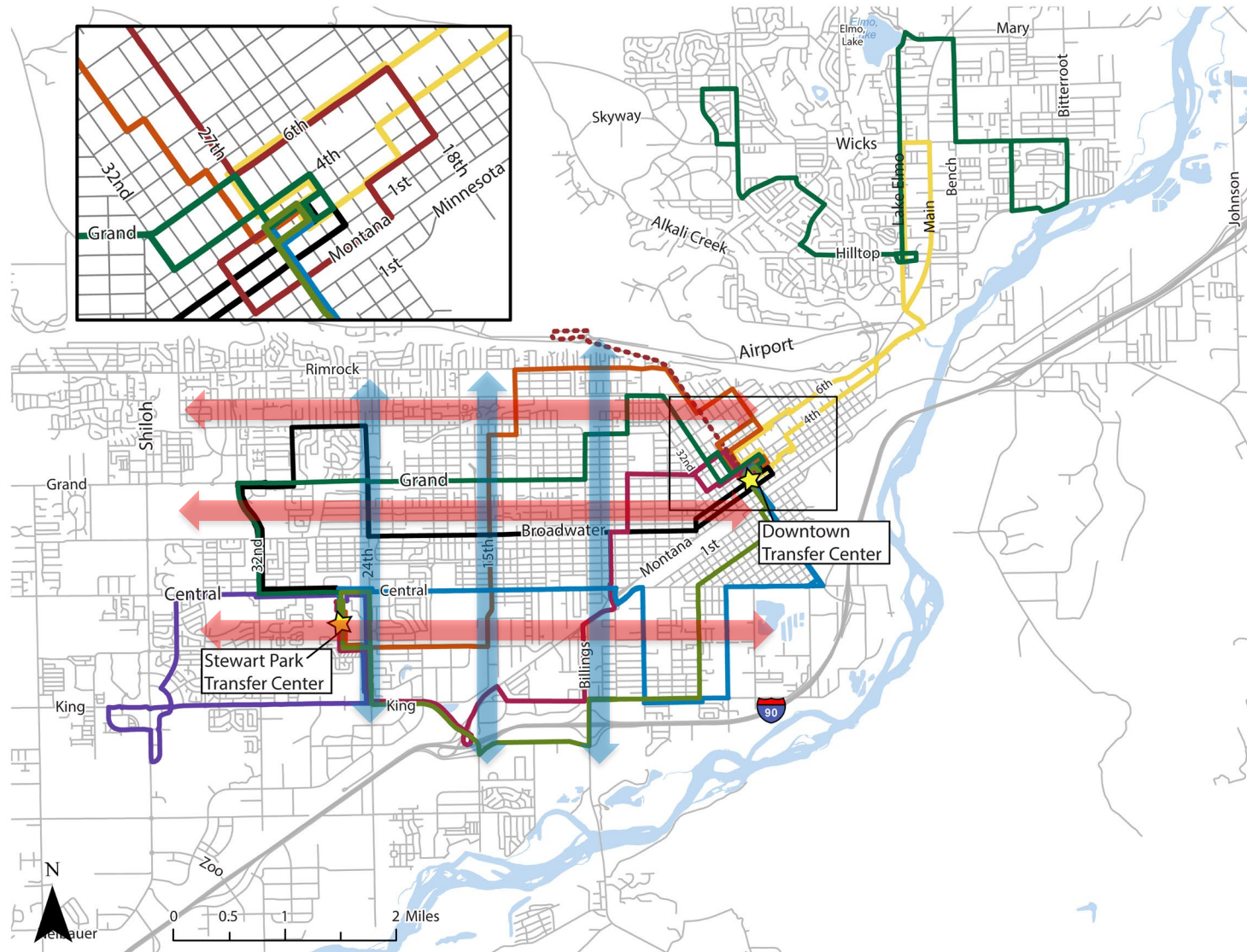
Breakdown of Future Investment – Baseline Redesign (Schedule)



Departure from Downtown

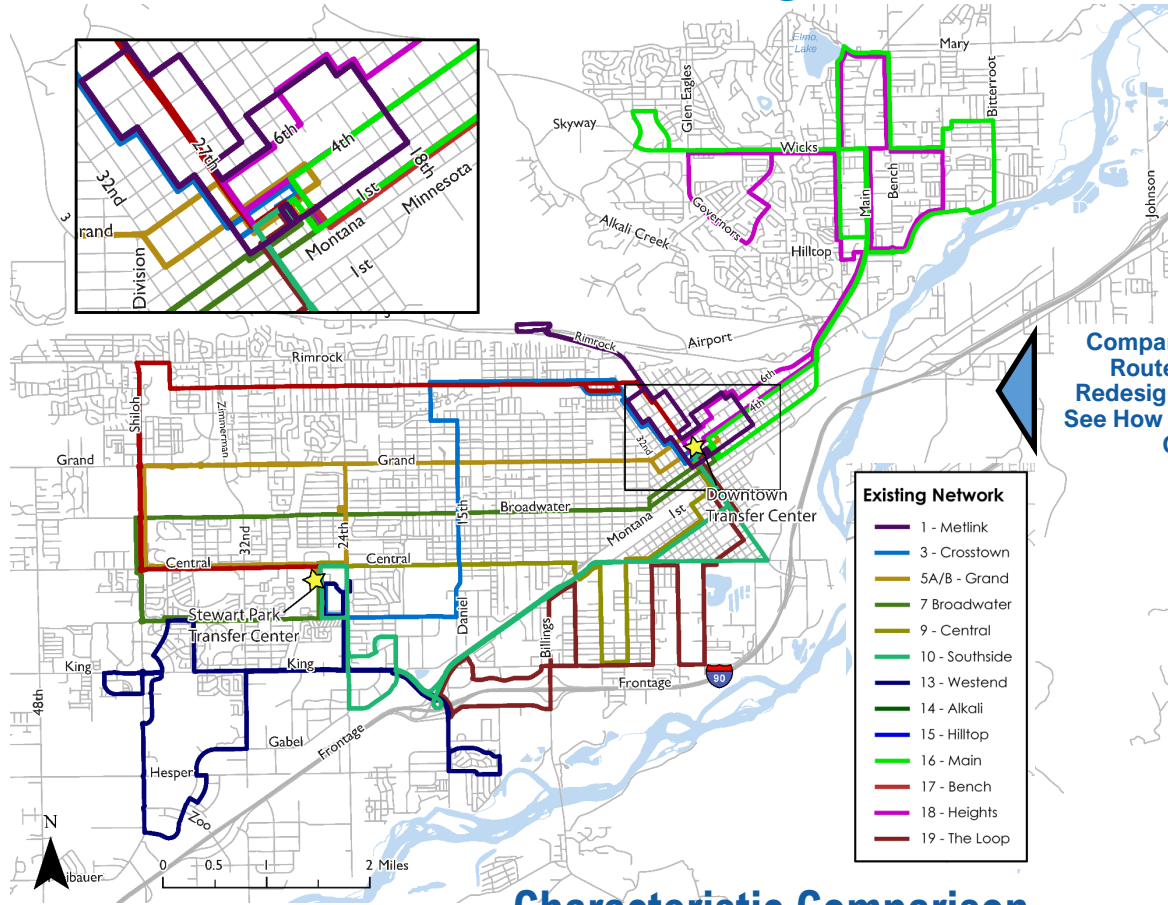
Current	Redesign
6:20 AM	6:20 AM
7:20 AM	7:20 AM
8:35 AM	8:20 AM
9:35 AM	9:20 AM
10:50 AM	10:20 AM
11:50 AM	11:20 AM
1:15 PM	12:20 PM
2:30 PM	1:20 PM
3:35 PM	2:20 PM
4:50 PM	3:20 PM
5:50 PM	4:20 PM
	5:20 PM
	6:20 PM

Redesign Transit Network – Hybrid Grid



- Retains the East-West Continuity in Core
- Adds Increment of North-South Continuity

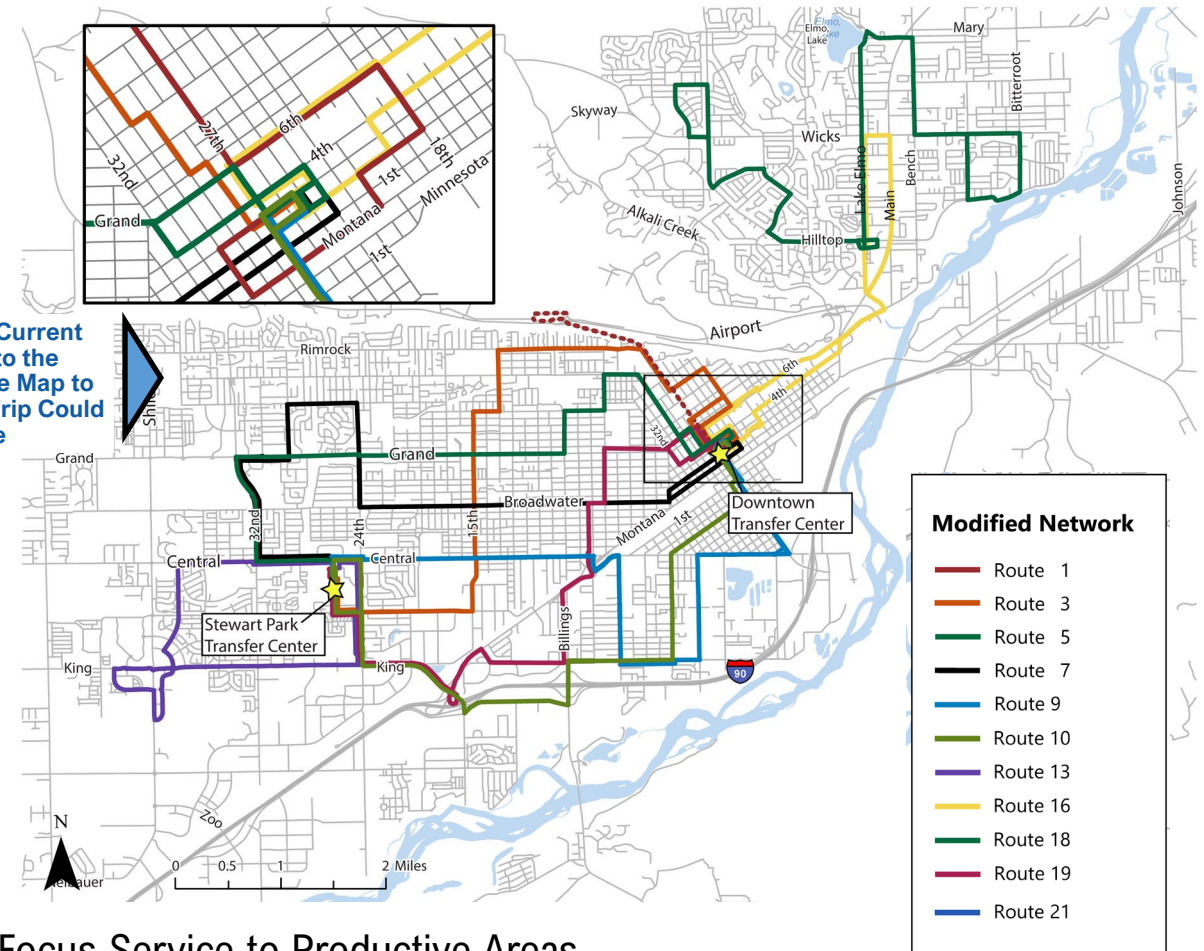
Current and Redesign Transit Networks



Characteristic Comparison

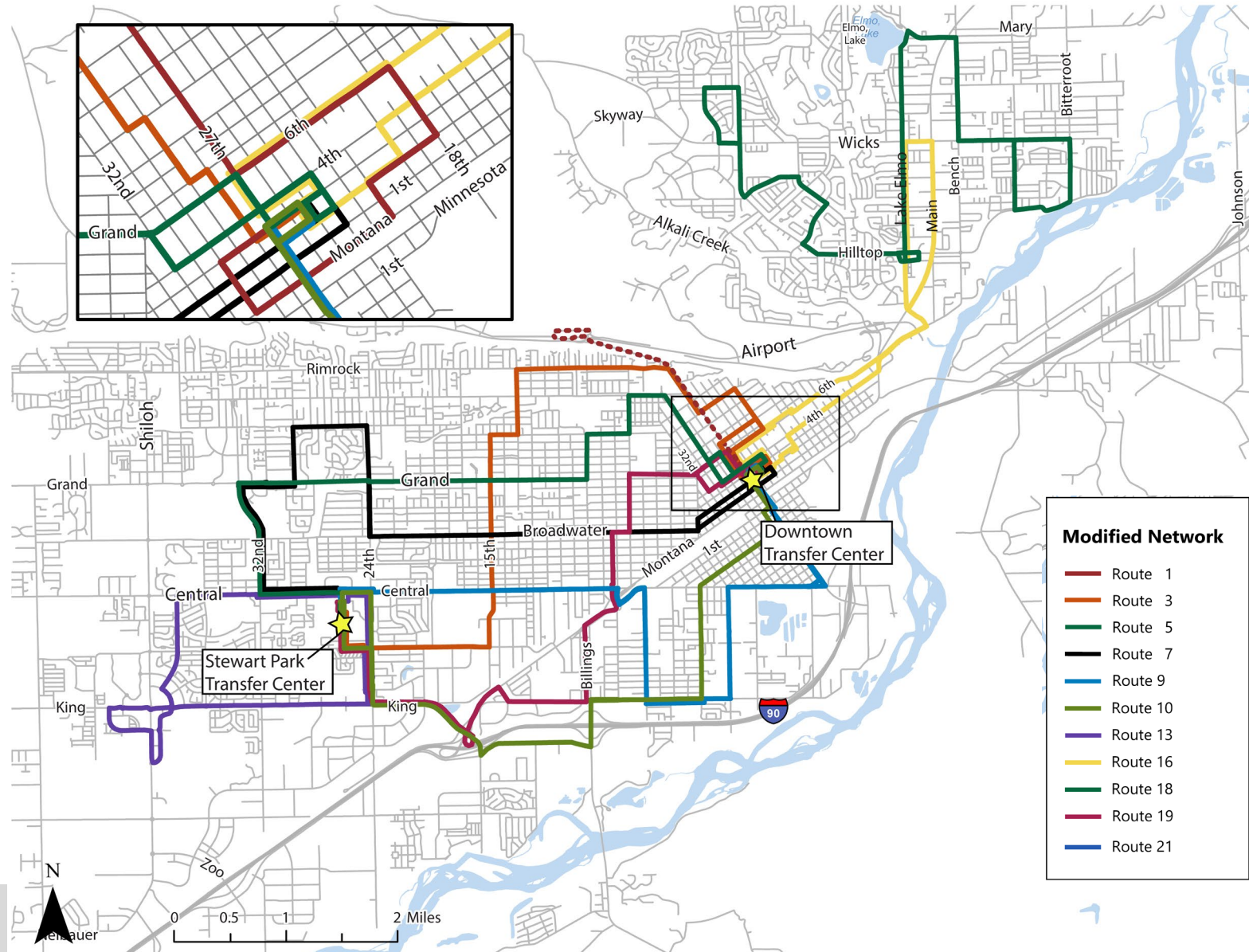
- Consistent Operating Budget
- Consistent Service Hours
- Focus Service on Transit Supportive Area

Compare the Current Route Map to the Redesign Route Map to See How Your Trip Could Change

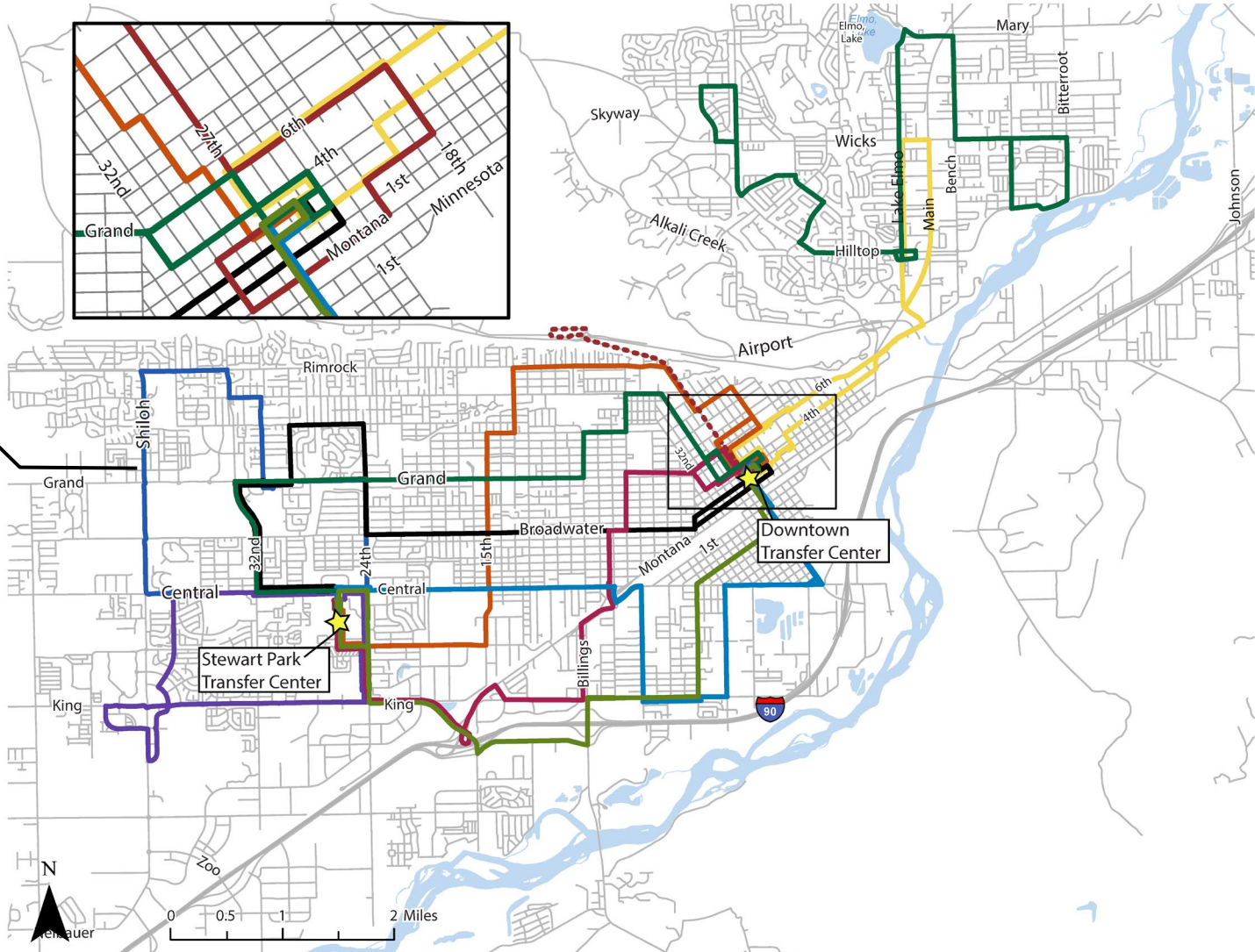
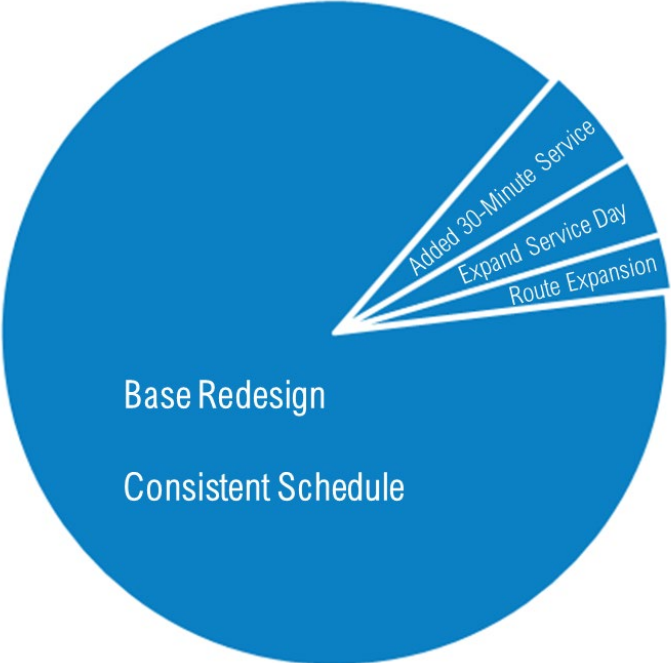


- Focus Service to Productive Areas
- Reduces Walk Distance in Core
- Increase Convenience/Opportunity in Core

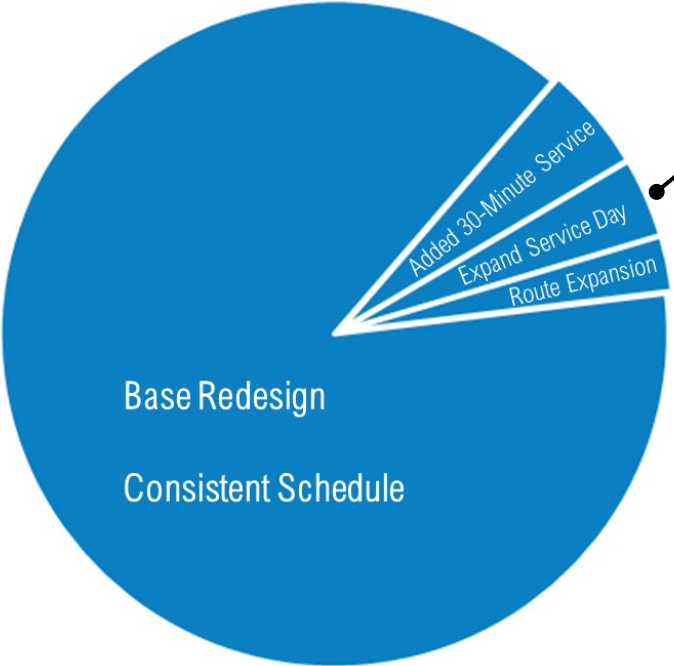
Redesign Transit Network



Breakdown of Future Investment – Route Expansion



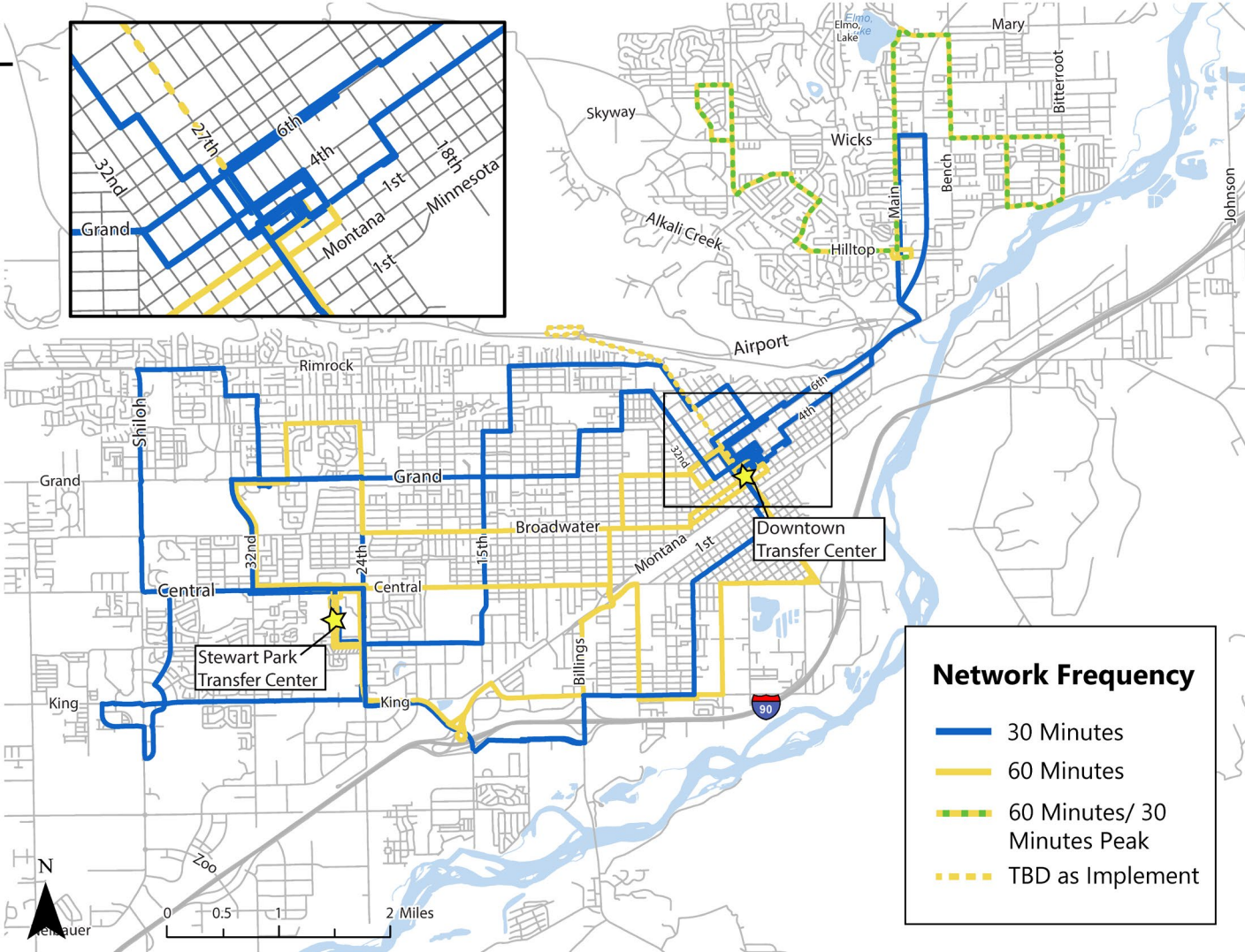
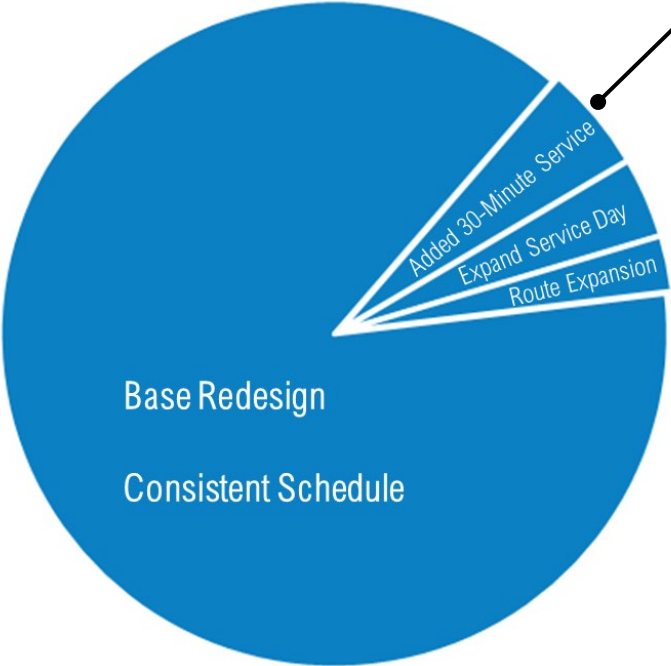
Breakdown of Future Investment – Fill Schedule Gaps



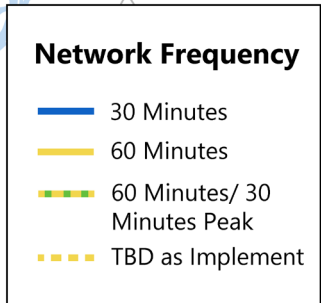
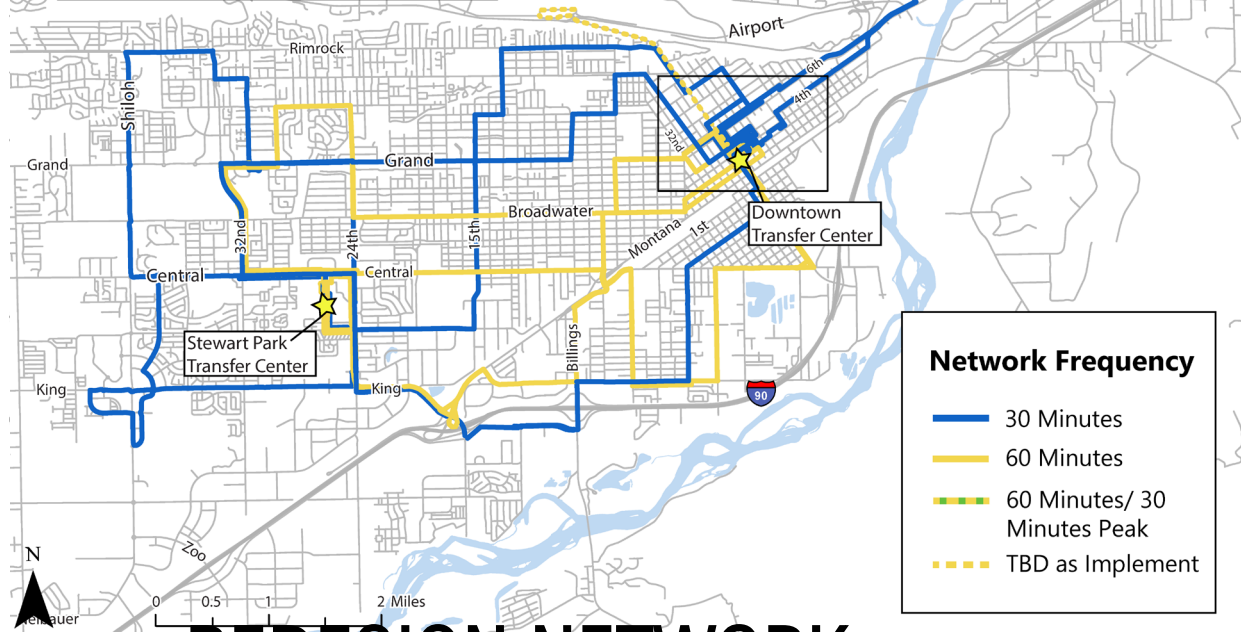
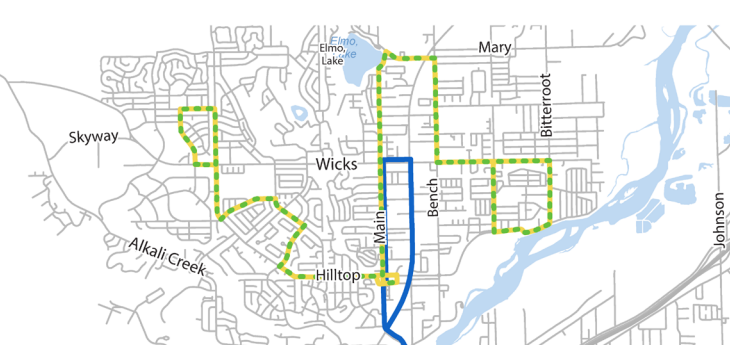
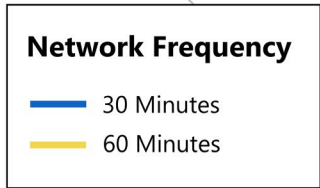
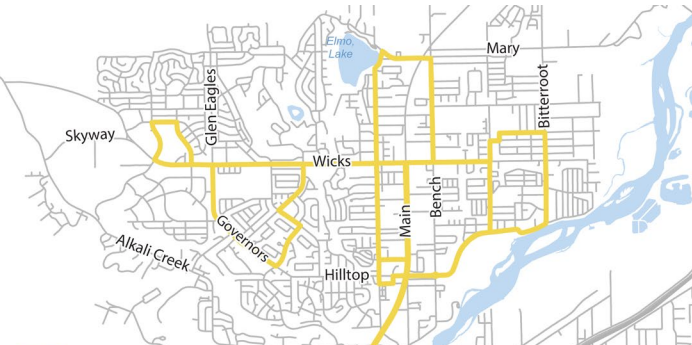
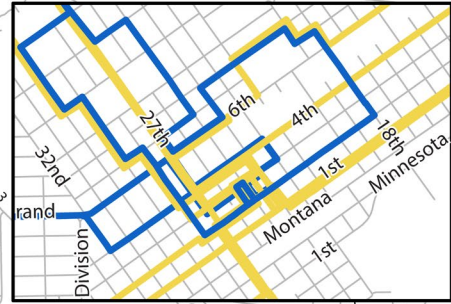
Departure from Downtown

Current	Redesign
6:20 AM	6:00 AM
7:20 AM	7:00 AM
8:35 AM	8:00 AM
9:35 AM	9:00 AM
10:50 AM	10:00 AM
11:50 AM	11:00 AM
1:15 PM	12:00 PM
2:30 PM	1:00 PM
3:35 PM	2:00 PM
4:50 PM	3:00 PM
5:50 PM	4:00 PM
	5:00 PM
	6:00 PM
	7:00 PM
	8:00 PM

Breakdown of Future Investment – Add Frequency to Core



Expansion in 30-Minute Service



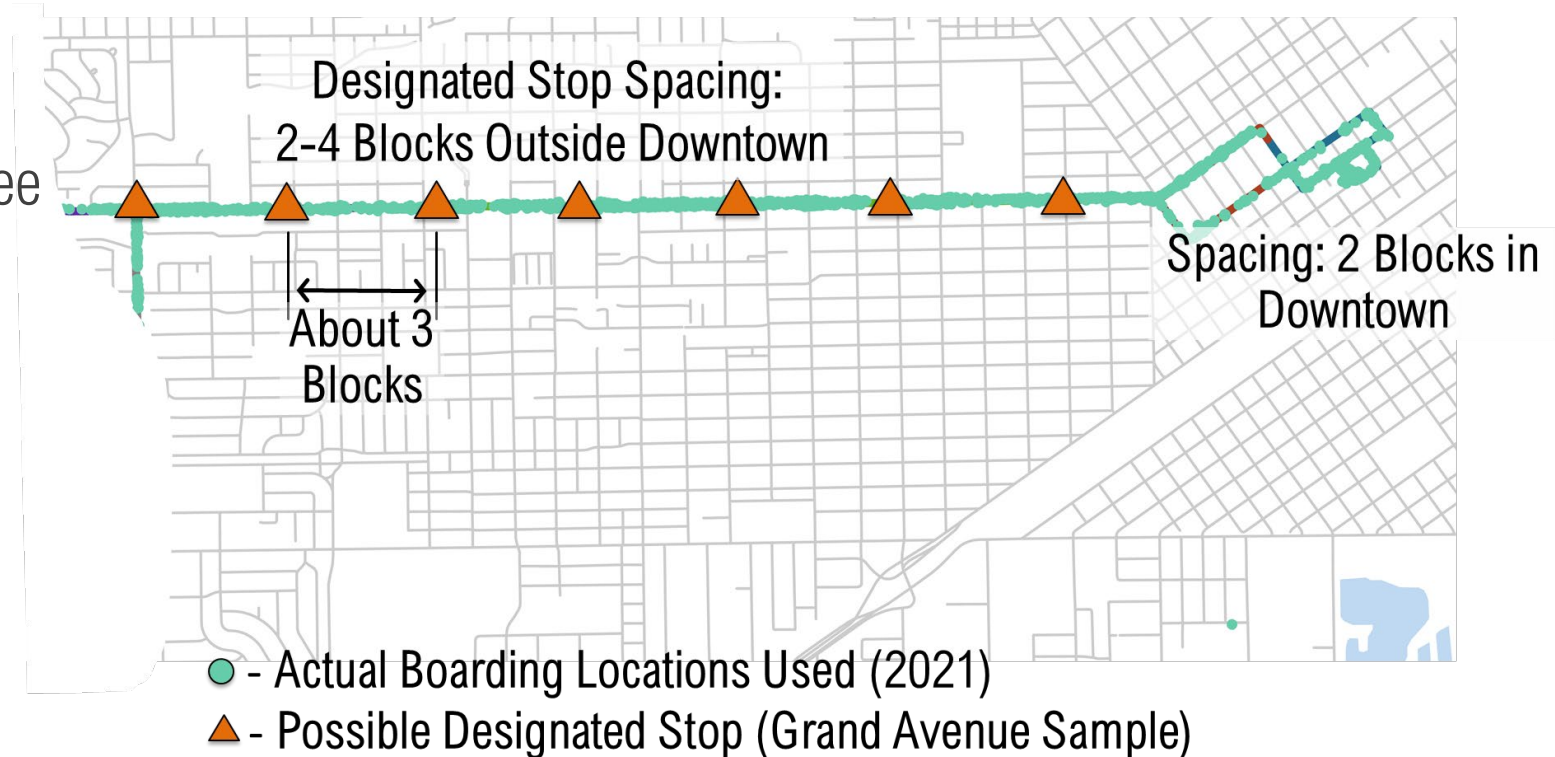
CURRENT NETWORK

REDESIGN NETWORK

Designated Stops – Convenience/Safety Improvement

- Removes Confusion of “Safe” Stop Location
- Reduces Missed Pick-ups in Dark (Driver Cannot always See People Waiting)
- Easier for New Riders to Understand Where to Wait
- Supports Scheduling by Knowing Where all Possible Stops are Located
- Benefits Data Analysis

Flag Stop or Designated Stops?

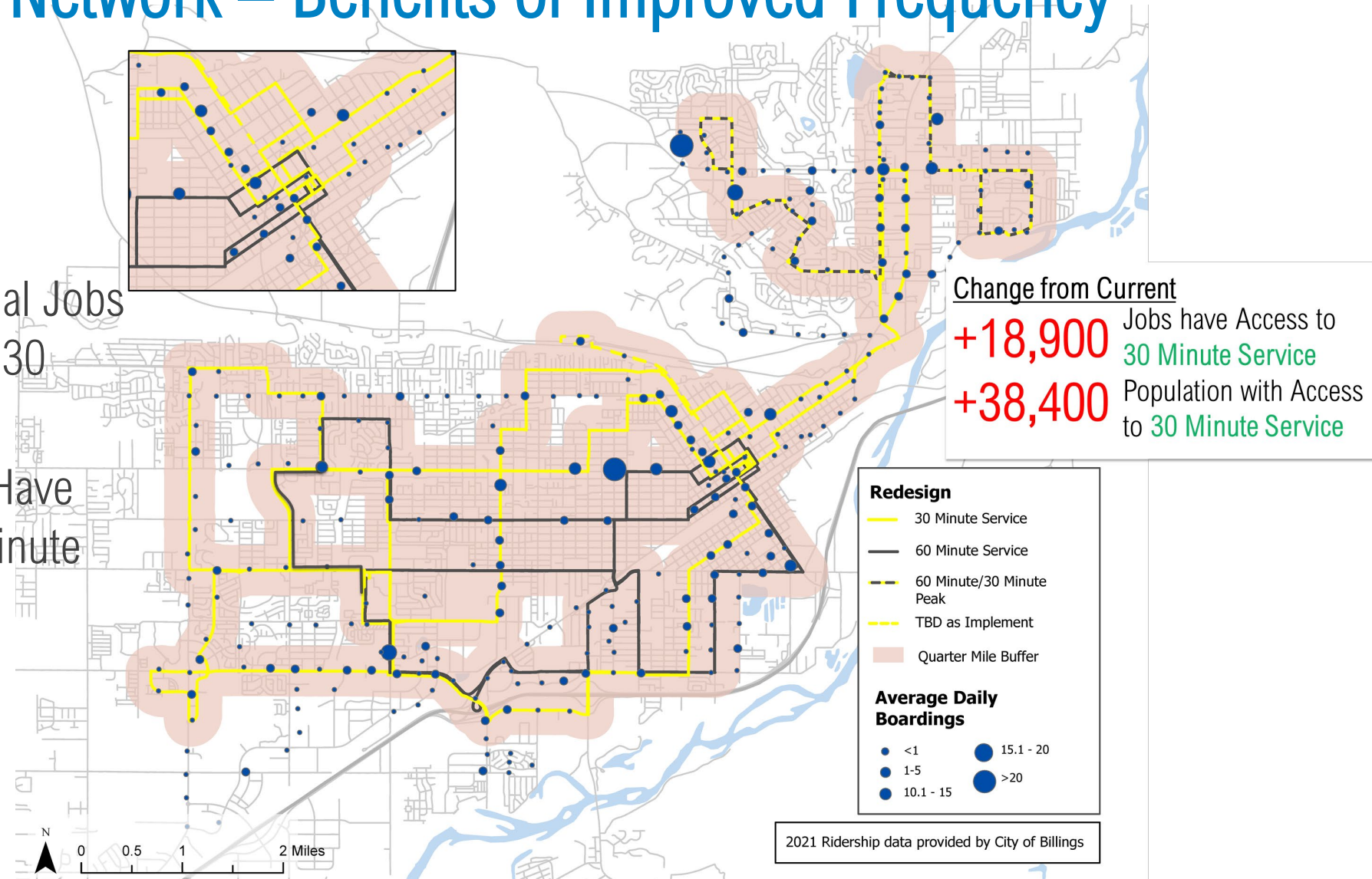




Benefits of Redesign/Frequency Investment

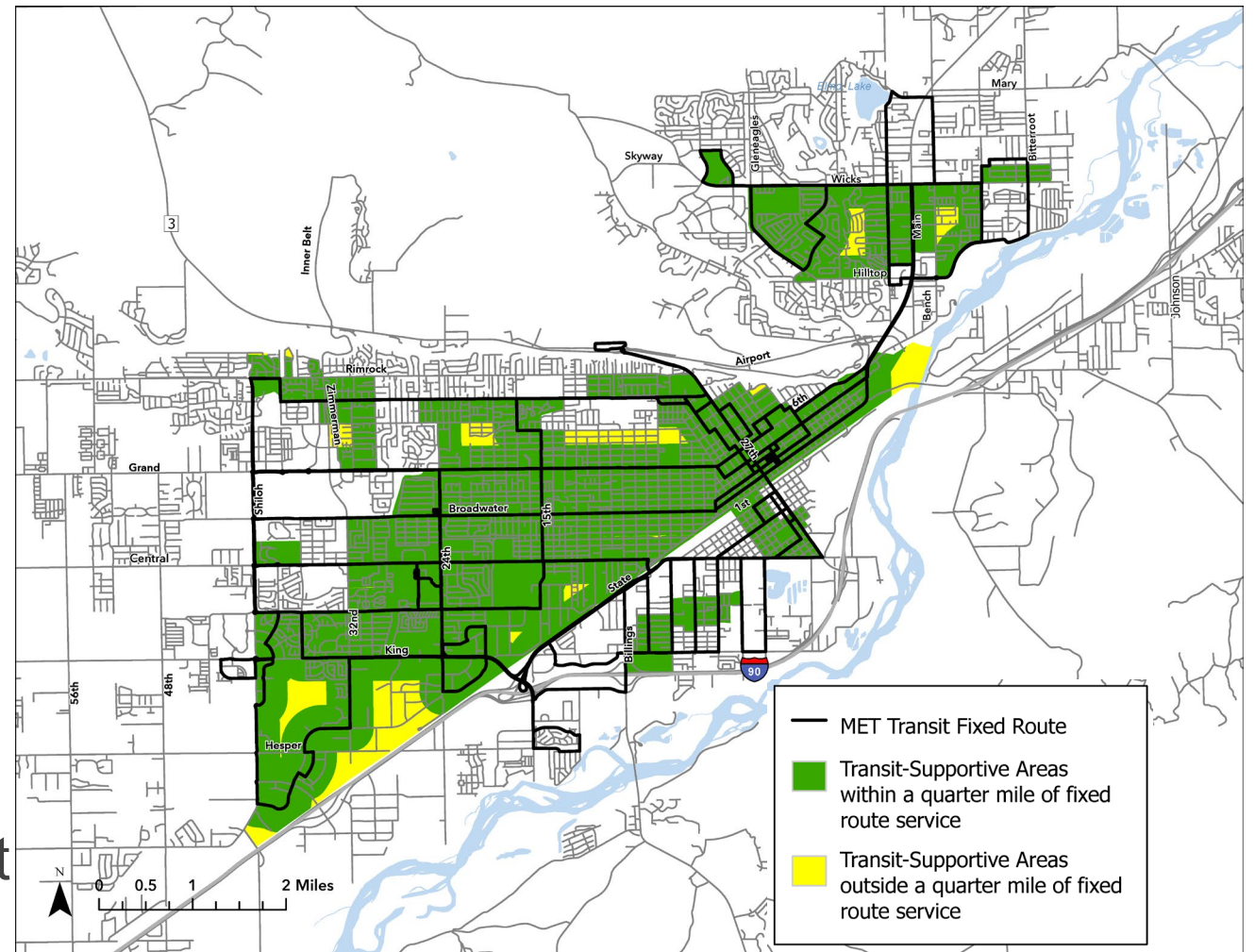
Redesign Transit Network – Benefits of Improved Frequency

- Relative to the Current:
 - 18,900 Additional Jobs Have Access to 30 Minute Service
 - 38,400 People Have Access to 30 Minute Service



Limited Consideration for Service Area Expansion

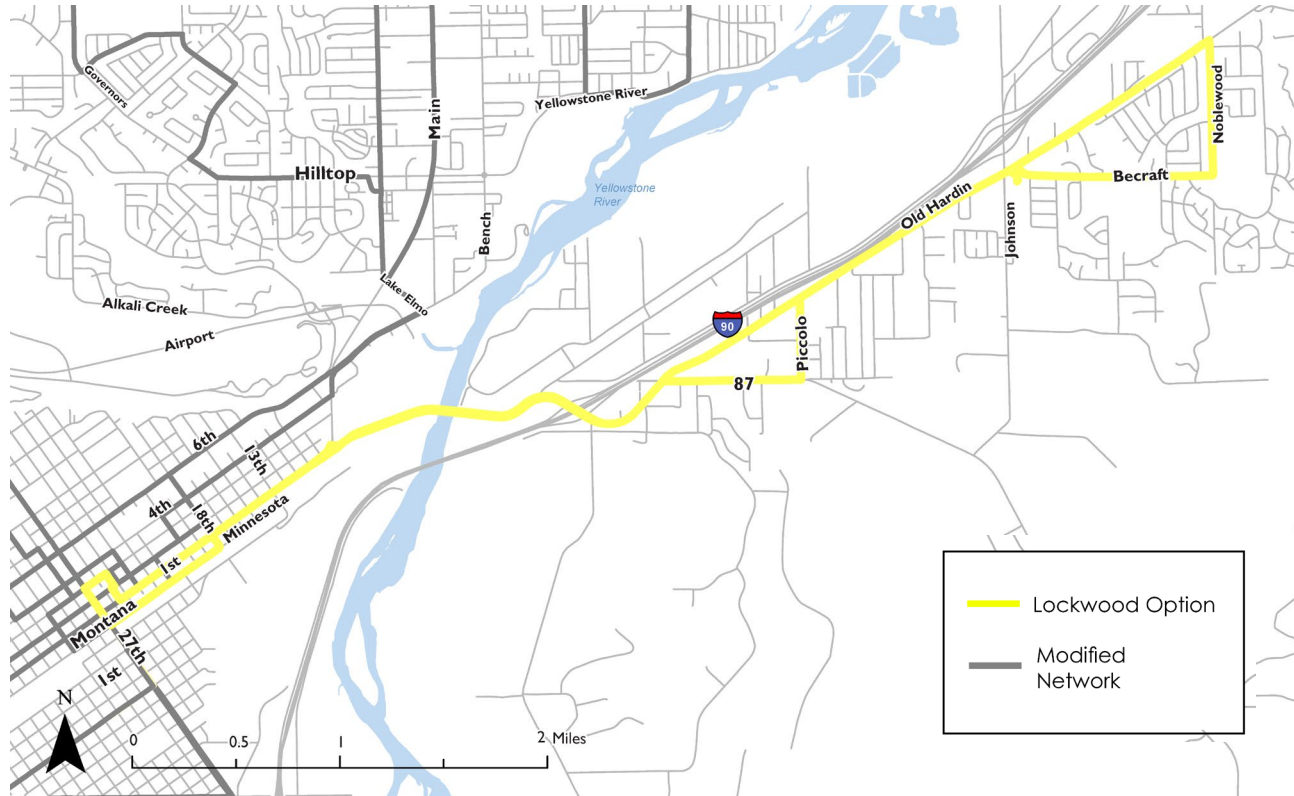
- Focus is On Transit Supportive Areas:
 - 3 Households Per Acre
 - 4 Employees Per Acre
- Current Service Area Covers Most TSA Areas
- Frequency Focus Areas – Considers Current Ridership
- Current Service Area Covers MOST of City Limits:
 - County Coordination/Funding?
- Reduced Service Areas – Current Ridership is Lower





Additional Concepts

Lockwood Transit Service Concepts



Lockwood Fixed Route Concept

- Likely “Modest” Ridership
- Hourly Service – Fixed Route

Who Benefits:
 People within Route Service Area: 3,100 (Includes Billings)
 Households: 1,900 (Includes Billings)
 0/1-Car Households: 1,000 (Includes Billings)
 Jobs: 6,700

Fixed Route and On-Demand Alternatives

Service Concept	Annual Hours	Cost Per Hour	Annual Ridership		Annual Cost
1 - Fixed Route					
Regular Daily	3,700	\$66.34	26,100		\$245,500
Weekday Peak Only (4 Hrs/Wkdy)	1,280	\$66.34	9,000		\$84,900
			Annual Demand Range		
			Lower	Upper	
2 - Demand Response					
Full Tme (Active 13 Hrs/Day)	3,700	\$81.46	10,720	17,380	\$301,400
3/4 Time	2,775	\$81.46	8,040	13,040	\$226,100
1/2 Time	1,850	\$81.46	5,360	8,690	\$150,700
1/4 Time	925	\$81.46	2,680	4,347	\$75,400
3 - Flex Route					
Full Tme (Active 13 Hrs/Day)	3,700	\$81.46	12,200	19,970	\$301,400
3/4 Time	2,775	\$81.46	9,150	14,980	\$226,100
1/2 Time	1,850	\$81.46	6,100	9,990	\$150,700
1/4 Time	925	\$81.46	3,050	4,990	\$75,400

Note: Cost per hour - Reduction from fully allocated rate of \$93.28 (FR) and \$114.55 (PT) to reflect ONLY PERSONNEL (from MET Financials spreadsheet)

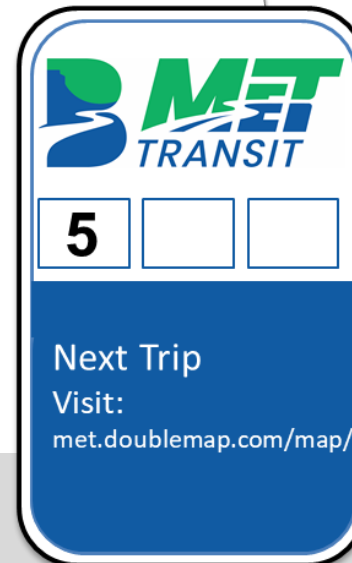
Information: Current paratransit revenue hours are 29% of fixed route hours (use to evaluate DR need) - Would DRT/Flex be similar ratio?



Next Steps

Implementing the Redesign

- Complete Plan Approval Process
- Develop Detailed Route Time Schedule
 - Stops
 - Recovery at Transit Centers
- Install/Relocate Signs/Benches/Shelters:
 - Estimated 600 Signs
- Expand Workforce/Prepare Driver Assignments:
 - Estimate – 5 New Driver Positions





DISCUSSION/QUESTIONS

Bill Troe – Principal
SRF Consulting Group
btroe@srfconsulting.com



City Council Work Session

Date: 10/03/2022
Title: Commercial Property Assessed Capital Enhancement (CPACE) Financing
Presented by: Andy Zoeller, Finance Director
Department: Finance
Presentation: Yes
Legal Review Not Applicable

RECOMMENDATION

A presentation from the Montana Facility Finance Authority will be provided to Council. No recommendation is being provided for the work session. After hearing the information, City Council may direct staff to bring forward a resolution at a future meeting.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The State of Montana Facility Finance Authority (MFFA) will present to City Council information on the Montana Commercial Property Assessed Capital Enhancement (CPACE) Financing program.

Montana Code 90-4-1306 authorizes counties and municipalities to make CPACE financing available in local communities. The program is administered by the State of Montana Facility Finance Authority.

The CPACE program makes energy efficient upgrades and renewable energy investments more attainable to commercial building owners. Montana CPACE can cover up to 100% of eligible project costs. Payments are repaid through a special property tax assessment with terms up to 30 years, or the useful life of the improvements. Projects greater than \$75,000 may be eligible for CPACE.

In order for commercial property owners to become eligible for CPACE financing through the Montana Facility Finance Authority, the local government must establish a C-PACE district within its boundaries. Commercial building owners evaluate and select projects that reduce energy costs. The building owners secure financing from a bank or other financial institution. The local government adds the assessment to the annual tax bill and the building owner pays the assessment for up to 20 years, while recognizing savings from the improvement.

Neither credit exposure, dedication of general funds, nor allocation from city budget is required for local governments to implement CPACE. The MFFA establishes uniform standards, documents and best practices across the state. The MFFA serves as a single point of access for stakeholders to access CPACE financing. Serving as an agent of CPACE, MFFA maintains and enforces comprehensive program guidelines to ensure each CPACE project meets the requirements of CPACE statute and program goals, and certifies that repayments occur according to contract.

ALTERNATIVES

After hearing the information provided by the State of Montana Facility Finance Authority, City Council may:

- Request additional information;
- Direct staff to bring forward a resolution to a future council meeting; or;
- Direct staff to delay bringing forward a resolution

FISCAL EFFECTS

There is no financial impact on the City of Billings related to the CPACE program, other than some minimal administrative duties.

Attachments

MFFA CPACE Presentation

Montana Facility Finance Authority

Adam Gill
Executive Director

Seth Lutter
Associate Director

Monica Birlut
Accountant



Last Best
PACE

The Montana Facility Finance Authority

Mission: Enhance Montana healthcare and community capabilities through access to cost-effective capital financing and development services.

Financing for nonprofit healthcare

- Tax-exempt bonds
- Small low-interest loans
- Grants to reduce the cost of the capital planning process.

Why C-PACE?

Because Wasted Energy = Wasted Money

- Montana's average utility cost per year
 - Commercial – \$710,564,780
 - Industrial – \$467,120,200

\$1.2 billion spent per year
- 30% of the energy used in commercial & industrial buildings is wasted
 - \$353.3 million lost to waste annually

C-PACE – A New Financing Option

- **Commercial Property Assessed Capital Enhancements (C-PACE)**
- Covers the costs of improvements that:
 - save energy
 - save water
 - generate renewable energy.
- Savings cover the cost of financing
- Paid back via a special assessment on the property

HVAC



Lighting



Solar



Envelope



Elevators



Irrigation



Typical Measures Funded by C-PACE

Cogeneration



Roofing/Insulation



Water Fixtures



Water Reuse

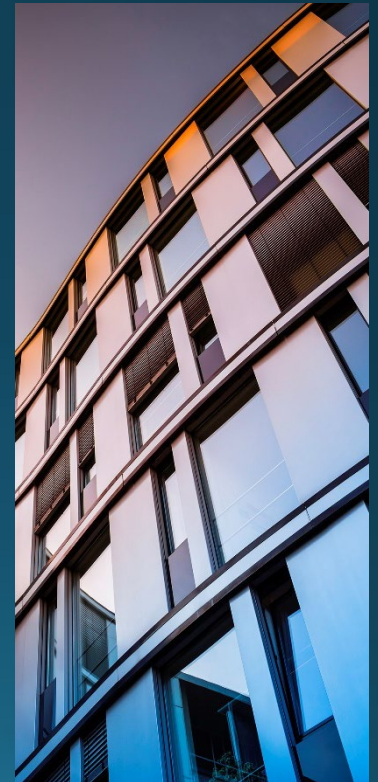
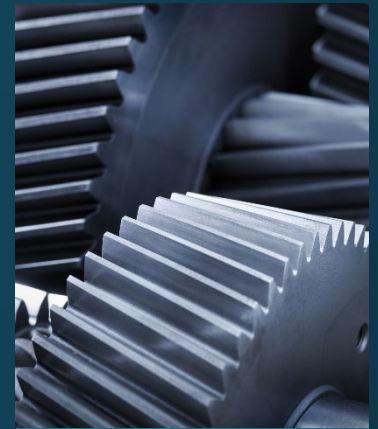


Eligible Properties

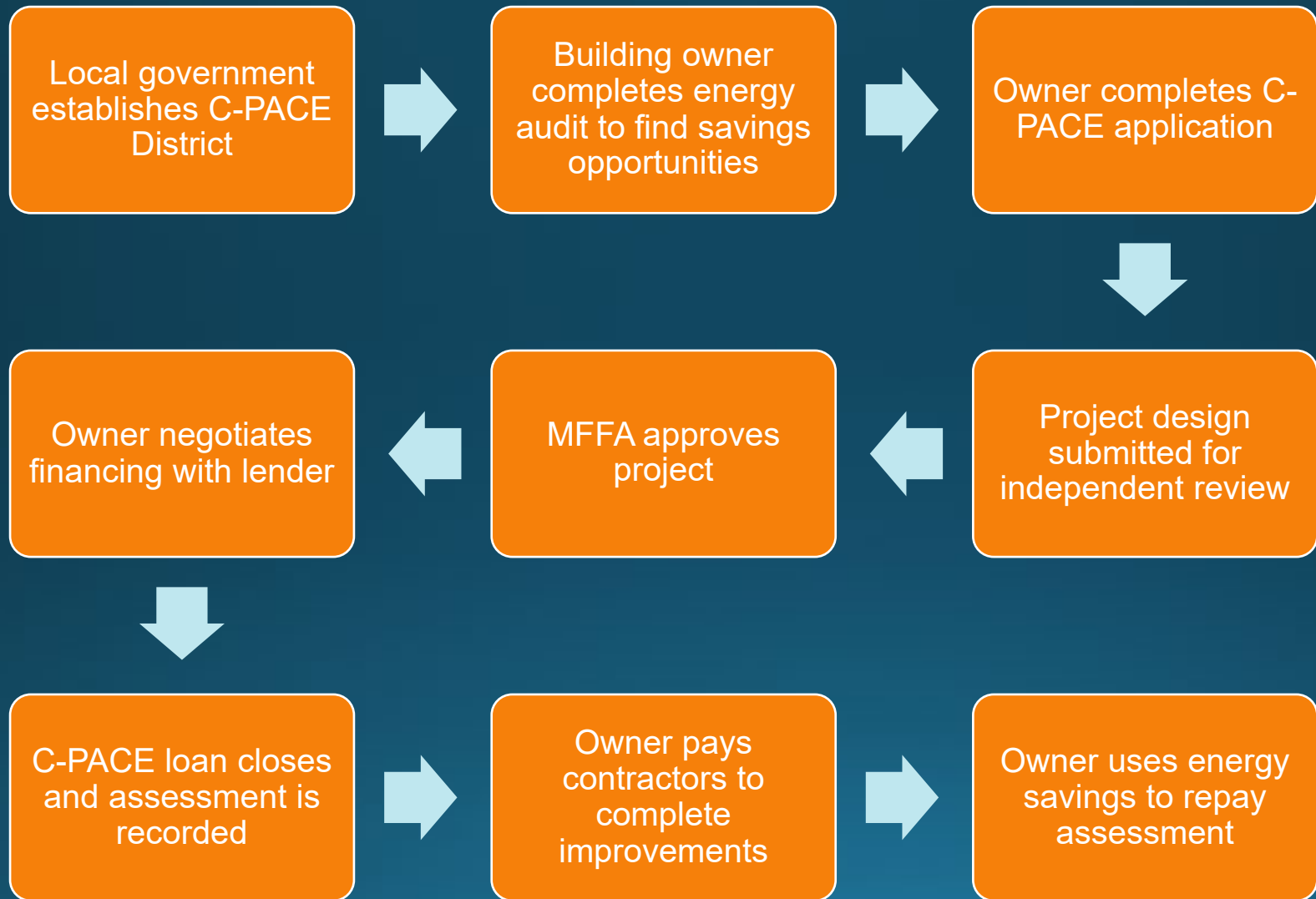
- Commercial
- Industrial
- Mixed-Use
- Agricultural
- Multifamily

Eligible Projects

- New Construction
- Retrofit
- Retroactive – up to 3 years



C-PACE Process



Role of the Local Government

Steps to establish a district:

- Pass a Resolution of Intent
- Hold a public hearing
- Pass a Resolution Establishing a C-PACE District

County roles after establishing a district:

- Input C-PACE district in software
- Receive assessments
- Forward funds

Local governments can be as involved or uninvolved as they would like.

Role of the Local Government (cont...)

What a local government does:

- Establish the District
- Bill and receive property taxes

What the local government does not do:

- Serve as a collection agent for the lender
- Work on behalf of the lender

What the MFFA does:

- Serves as the agent of the local government in respect to C-PACE projects
- Works with borrowers and lenders
- Receive district assessment revenue from county and disburse to lenders

Why should a local government set up a District?

- Provides economic growth
- Saves local businesses money
- Creates / retains jobs
- C-PACE participation is 100% voluntary
- Neither local government nor citizens are on the hook for the loan
- Increases property values
- Increases local government revenues

Tax Impact of a C-PACE Project

Yellowstone County				
Class 4b	County Mills	County Schools	Local Schools	City Mills
Taxable Value	1.87%	1.87%	1.87%	1.87%
Mills	142.937	43.051	245.018	160.795
100,000	\$ 227.20	\$ 68.43	\$ 389.46	\$ 255.58
250,000	\$ 568.00	\$ 171.07	\$ 973.64	\$ 638.96
500,000	\$ 1,135.99	\$ 342.15	\$ 1,947.28	\$ 1,277.92
1,000,000	\$ 2,271.98	\$ 684.30	\$ 3,894.56	\$ 2,555.84
2,500,000	\$ 5,679.96	\$ 1,710.74	\$ 9,736.40	\$ 6,389.59
5,000,000	\$ 11,359.92	\$ 3,421.48	\$ 19,472.81	\$ 12,779.18
20-Year Revenue Projection				
	County Mills	County Schools	Local Schools	City Mills
100,000	\$ 2,385.58	\$ 718.51	\$ 4,089.29	\$ 2,683.63
250,000	\$ 5,963.96	\$ 1,796.28	\$ 10,223.22	\$ 6,709.07
500,000	\$ 11,927.91	\$ 3,592.55	\$ 20,446.45	\$ 13,418.14
1,000,000	\$ 23,855.83	\$ 7,185.10	\$ 40,892.89	\$ 26,836.28
2,500,000	\$ 59,639.57	\$ 17,962.76	\$ 102,232.23	\$ 67,090.71
5,000,000	\$ 119,279.14	\$ 35,925.52	\$ 204,464.46	\$ 134,181.42
Source: MT Dept of Revenue Biennial Property Tax Report 2019-2020				
Revenues assume that the property value increase is no more than 85% of the C-PACE financing amount				

Headwaters Utility District – Broadwater County

- 200-acre development park at Montana's busiest intersection
- Property being developed by Bridger Brewing and will include a 60,000 bb/yr brewery and pub
- Prior development hampered by need for a wastewater system
- Membrane bioreactor system will clean sewage and sell it back as grey water.
- Estimated County tax revenue of over \$75,000 in first year



- Worked with Dividend Finance
- Up to \$5.5M in two tranches
- Expected project savings of \$10 million
- Financing enables growth of the entire development

McCandless Building – Florence, CO

Amount Financed: \$616,844

Total Savings: \$779,814

Measures

- Insulation
- Lighting
- Window glazing
- Rooftop solar
- Heating & cooling

Building value improved by
\$619,910



“ I recommend C-PACE because it can replace equity and because it doesn't affect you as a borrower. If you don't look at C-PACE, you're leaving money on the table.”

— Melissa Baldrige, vice president of Sustainability, real estate broker, GreenSpot Global

Where Are We Now?

Started January 1, 2022...

- 30 potential C-PACE projects in 14 counties
- Seven counties have officially approved C-PACE
 - Park, Missoula, Cascade, Gallatin, Broadwater, Butte-Silver Bow, & Lincoln
 - 37% of commercial buildings covered
- Talking with five other counties and looking for local projects
 - Once established, over 70% will be covered

More information available at:
www.LastBestPACE.com

Adam Gill

Executive Director

adamgill@mt.gov

406-444-0259

Seth Lutter

Associate Director

seth.lutter@mt.gov

406-444-5435



**Last Best
PACE**

City Council Work Session

Date: 10/03/2022
Title: City Council Ward Boundary Updates per 2020 Census Results
Presented by: Wyeth Friday
Department: Planning & Community Services
Presentation: Yes
Legal Review Yes

RECOMMENDATION

No formal action from Council will occur at this meeting since it is a City Council Work Session. Staff is expecting to share information with City Council on the City Ward Boundary update process needed following the 2020 US Census and share a draft map of what changes would address the population changes from the Census that occurred across some Wards. Staff also is seeking direction at this meeting from Council on moving forward with the next steps to complete the Ward Boundary updates before the 2023 elections.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Article 3 of the City of Billings Charter requires election wards with 10 Council Members and two Council members representing each ward. Chapter 11 of the City Code requires that ward boundaries be described in an ordinance and shown on a map. State Code Section 7-5-4401 requires that cities of the first class (Billings) have between 4 and 10 wards and that the population in each be as equal as possible. This ensures that, per the US and Montana Constitutions as well as case law, that voters have equal voting strength and representation with their elected governing bodies. In jurisdictions like Billings that have more than one election district, equal voting power and representation are accomplished by equalizing the population among all of the election districts.

Redrawing election boundaries has a judicially approved set of mandatory and a set of discretionary criteria. From the outset, staff focused its efforts on changes that meet the mandatory criteria, such as equalized population and contiguous and compact shapes of wards. The most common discretionary criteria are to use geographic or topographical features as boundaries and borders that use existing political unit boundaries - like roads, ditches, rivers, etc. A more rarely implemented, but allowed discretionary criterion, is to establish boundaries that do not adversely impact incumbent elected officials. The Billings City Charter requires that Council members reside in the wards that they represent. If a new ward boundary plan was adopted that placed an incumbent in a different ward from the one that elected him/her, that Council member would immediately forfeit his/her seat because s/he would no longer reside in the ward that elected him/her. The current plan does not affect any current Council members in terms of their place of residence and the ward they represent.

The City's 2020 population per the 2020 Census data is 117,240. The 2010 Census data set the City population at 104,170. The current population of 117,240 means that the ideal population per ward is 23,448. The increase in population since the 2010 Census is most significant in Ward 4 (See the attached Draft Ward Boundary Redistricting Map) at 25,722. This creates a significant imbalance with Ward 1 that has a current population of 20,580, a 5,142 difference between Ward 4 and Ward 1. Staff has reviewed the populations in the wards and also looked at election district boundaries, and has developed a recommendation for Council to make two significant changes between Ward 1 and Ward 4 to adjust the population distribution (See attached Draft Ward Boundary Redistricting Map) that will bring all of the wards within less than 1% of each other in population (0.7%). This proposal appears to be the most straight forward way to make the necessary changes with the least effect on the five wards overall. Staff at the meeting will walk through the draft map, proposed changes, and some minor tweaks to the map beyond the main population adjustments.

The 2023 City Government Primary is Tuesday, September 12th and the General is Tuesday, November 7th. The time for candidates to file opens 140 days prior to the Primary, or the third week in April 2023. That means the City should determine its Ward boundaries prior to the opening day for candidates to file so they know which Ward they reside within. Given the schedule in early 2023, staff suggests it bring the ward boundary changes to Council for public hearing and first reading of an ordinance no later than the first meeting in March 2023 so it can be passed and approved the second meeting March.

STAKEHOLDERS

The stakeholders in this process include the residents of Billings that are represented by the City Council and Mayor

across the five City Council Election Wards. Ensuring that the population in each Council Word is approximately the same to maintain even representation for each Ward is an important process for the City after each decennial Census is tabulated and the data is released.

ALTERNATIVES

There is really only one alternative for the City Council at this point, and that is to move forward with updating the City Council Wards to adjust population distribution as evenly as possible across all five Wards. In this case, staff has made adjustments that bring all 5 Wards within 0.7% of each other in terms of population totals per Ward.

FISCAL EFFECTS

The main fiscal impact from this effort is the staff time involved in collecting the Census data, analyzing it, and then preparing draft Ward maps to show how the adjustments in population would be distributed across the Wards. City GIS, Planning, Legal, the Clerk's Office, and Administration have been involved in this effort in the City, and the County Elections Administrator and County GIS Department also have participated. If the Council fails to adopt a plan prior to the 2023 municipal election or adopts a plan that does not meet the primary criteria for redrawing election boundaries, the decision could be challenged and additional resources would be committed to defending its decisions.

Attachments

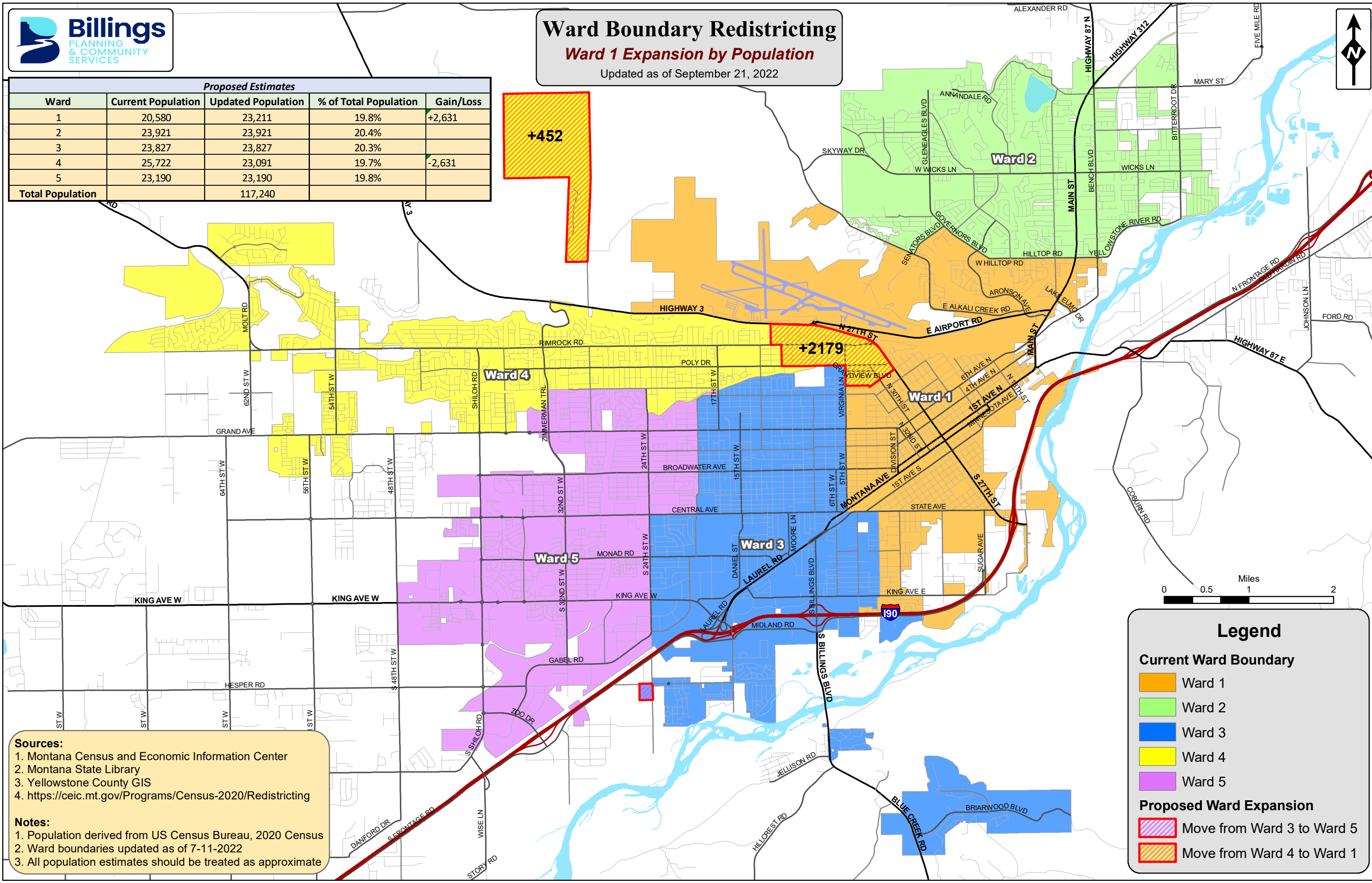
Draft Ward Boundary Redistricting Map

Ward Boundary Redistricting

Ward 1 Expansion by Population

Updated as of September 21, 2022

Proposed Estimates				
Ward	Current Population	Updated Population	% of Total Population	Gain/Loss
1	20,580	23,211	19.8%	+2,631
2	23,921	23,921	20.4%	
3	23,827	23,827	20.3%	
4	25,722	23,091	19.7%	-2,631
5	23,190	23,190	19.8%	
Total Population		117,240		



Legend

Current Ward Boundary

- Ward 1 (Orange)
- Ward 2 (Green)
- Ward 3 (Blue)
- Ward 4 (Yellow)
- Ward 5 (Purple)

Proposed Ward Expansion

- Move from Ward 3 to Ward 5 (Red hatched)
- Move from Ward 4 to Ward 1 (Orange hatched)

Sources:

1. Montana Census and Economic Information Center
2. Montana State Library
3. Yellowstone County GIS
4. <https://ceic.mt.gov/Programs/Census-2020/Redistricting>

Notes:

1. Population derived from US Census Bureau, 2020 Census
2. Ward boundaries updated as of 7-11-2022
3. All population estimates should be treated as approximate