

****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 this meeting in person in the Billings Public Library Community Room, 510 N. Broadway. 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.)* Channel 7 or Channel 978 - TDS Fiber.
 - . Online at www.comm7tv.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.

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

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."

**WORK SESSION AGENDA
JANUARY 6, 2025**

**BILLINGS PUBLIC LIBRARY -
COMMUNITY ROOM
510 N. Broadway**

5:30 P.M.

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. Billings PCE Superfund Site.

-Public Comment

2. CPSM Report.

-Public Comment

3. Code Enforcement Ordinance Amendment Review.

-Public Comment

HIGHLIGHT UPCOMING AGENDA ITEMS OF COUNCIL INTEREST:

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:

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, 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: 01/06/2025
Title: Billings PCE Superfund Site
Presented by: Boris Krizek
Department: Public Works
Presentation: Yes
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

This item is for information and discussion and does not require any formal action.

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

Environmental Protection Agency (EPA) representatives will provide a summary of Billings perchloroethylene (PCE) site conditions, status, and proposed institutional controls to minimize vapor intrusion in structures within the PCE plume boundary. Future action could be to implement a city ordinance to address vapor intrusion within the Billings PCE plume boundary. A recap of the PCE situation in Billings is attached along with the associated map. Also, an example ordinance used by EPA for the city of Montgomery, Alabama is attached.

ALTERNATIVES

This presentation is for information and discussion. Because it does not require any formal action, alternatives are not included.

FISCAL EFFECTS

No action will be taken at the meeting so there are no fiscal effects associated with this item.

Attachments

PCE Background
PCE Map
PCE example Ordinance

Billings PCE Superfund Site

Site Overview

- Primary contaminants of concern are chlorinated hydrocarbons that were routinely released into groundwater by dry cleaners and other businesses in and around downtown Billings
- Once in the environment, the contaminant can vaporize. As the gases rise to the surface, they become trapped under impervious materials such as asphalt and building foundations
- Cracks in foundation, side walls or other openings in the foundation allow these gases to enter the indoor air (vapor intrusion) where they may cause health concerns
- The groundwater plume starts around 14th and Central and extends past the Phillips 66/Conoco Refinery (see figure in package)
 - Plume is approximately 950 acres and underlies over 4000 structures

Site Status

- Since 2022, over 200 residential and commercial structures have been sampled for indoor air concerns.
 - Includes approximately 170 single-family residences, 3 schools, 3 churches, 6 HUD buildings and over 2 dozen buildings in the Central Business District
- Groundwater samples are collected semi-annually
- 27 radon mitigation systems were installed in 2023 and 2024
 - Post mitigation sampling indicates 60 to 90% reduction in contamination beneath and inside the home proving to be an effective remediation method thus far
- Anticipate presenting a cleanup plan to the public in February/March to address indoor air concerns with cleanup decision anticipated in late summer/early fall
- Estimate 500 structures will get mitigation systems installed
- Ongoing investigations around 7th and Central
- Investigating secondary releases around 2nd Ave and N 29th St and S 23rd St and Minnesota Ave.

Basis for Briefing

- Discuss adoption of city ordinance to address vapor intrusion (VI) within areas of concern identified on the attached figure.
 - City ordinance would apply VI-related restrictions on new structures and on major changes to existing structures within the areas of concern
 - Example ordinance provided in package

It is more cost effective for cities to address VI issues through restrictions on new structures prior to building occupancy than having to remodel new buildings later to address VI issues. EPA recommends this proactive approach to better protect human health and the environment.

**Table 4-2 Institutional Controls per Sub-area
Billings PCE Superfund Site OU 1
Billings, Montana**

Institutional Control	Operable Unit 1 Sub-area ²		
	A	B	C
Governmental Controls			
Governmental Controls impose restrictions on land or resource use using the authority of a government entity. Typical examples of governmental controls include zoning and building codes.			
City of Billings ordinance requiring for vapor barriers or other mitigation for new construction	Yes	Yes	No
City of Billings ordinance or policy prompting notification to the EPA of building permit applications for projects that may affect VI mitigation system.	Yes, if the structure has a VI mitigation system	Yes, if the structure has a VI mitigation system	Yes, if the structure has a VI mitigation system
Proprietary Controls			
Proprietary controls refer to controls on land use that are considered private in nature because they tend to affect a single parcel of property and are established by private agreement between the property owner and a second party who, in turn, can enforce the controls.			
Property Access Agreement granting EPA the right of access to a property to inspect, monitor, and perform other activities pertaining to a VI mitigation system	Yes, if the structure has a VI mitigation system	Yes, if the structure has a VI mitigation system	Yes, if the structure has a VI mitigation system
Property Access Agreement prohibiting interference and activities incompatible with a VI mitigation system	Yes, if the structure has a VI mitigation system	Yes, if the structure has a VI mitigation system	Yes, if the structure has a VI mitigation system
Informational Devices			
Informational devices provide information or notification often as recorded notice in property records or as advisories to local communities other interested persons that residual contamination remains on site. As such, informational devices generally do not provide enforceable restrictions			
If mitigation is declined, a deed notification will be applied informing effected parties of the decision and continued mitigation availability	Yes	Yes	Yes
Direct outreach (e.g., letter and fact sheet twice per Five Year Review Cycle) regarding availability of mitigation without additional sampling	Yes for residential structures only	No	No
Direct outreach (e.g., letter and fact sheet twice per Five Year Review Cycle) regarding availability of sampling and mitigation, if warranted based on sampling	Yes for commercial structures only ¹	Yes	Yes
Direct outreach (e.g., fact sheet once per Five Year Review Cycle) reporting on the status of the OU 1 interim remedy.	Yes	Yes	Yes

Notes

¹Because mitigation systems will be available to residential structures, sampling to determine the occurrence and magnitude of VI is not needed. Sampling related to operating and maintaining mitigation systems will be completed as necessary.

²Refer to Figure 4-1.

Institutional Controls Sub-area Boundary Written Descriptions

Area A

Area A encompasses 155 acres. The perimeter begins at the intersection of Central Ave and 8th St. W and travels east 1,870 feet to Montana Ave. It then goes 4,090 feet northeast on Montana Ave. and turns left onto Division St. The perimeter goes north 1,390 feet north on Division St. and turns left onto Clark Ave. It goes west two blocks and turns left on 2nd St. W. It then goes south three and turns right on Broadwater Ave. The perimeter of Area A then zigzags west one block to 3rd St. W, south one block to Custer Ave., west one block to 4th St. W, two blocks south to Miles Ave., one block west to 5th St. W, one block south to Howard Ave., west one block to 6th St. W, one block south to Cook Ave., one block west to 7th St. W., one block south to St. Johns Ave., one block west to 8th St. W, and finally one block south to the starting point – the intersection of 8th St. W and Central Ave.

Area B

Area B encompasses 550 acres. The perimeter begins at the intersection of Central Ave and 8th St. W and travels east 1,870 feet to Montana Ave. The perimeter then continues to travel east to State Ave, crossing the railroad corridor in the process. It continues east on State Ave. 800 feet and turns left onto 1st Ave. S. The perimeter then zigzags northeast one block to S 41st St, one block southeast to 2nd Ave. S, two blocks northeast to S 39th St., one block southeast to 3rd Ave. S, one block northeast to S 38th St., one block southeast to 4th Ave. S, eight blocks northeast to S 30th St., one block northwest to 3rd Ave. S, and three blocks northeast to S 27th St. The perimeter travels 3,770 feet northwest and turns left on 4th Ave. N. It goes 2,280 feet southwest and turns right onto N 33rd St. It immediately turns left onto Burlington Ave., travels one block west and turns left onto 1st St. W. The perimeter then zigzags south two blocks to Clark Ave., one block west to 2nd St. W, one block south to Yellowstone Ave., one block west to 3rd St. W, one block south to Wyoming Ave., one block west to 4th St. W, two blocks south to Custer Ave., one block west to 5th St. W, two blocks south to Miles Ave., one block west to 6th St. W, two blocks south to Cook Ave., one block west to 7th St. W, one block south to St. Johns Ave., one block west to 8th St. W, and finally one block south to the starting point – the intersection of 8th St. W and Central Ave.

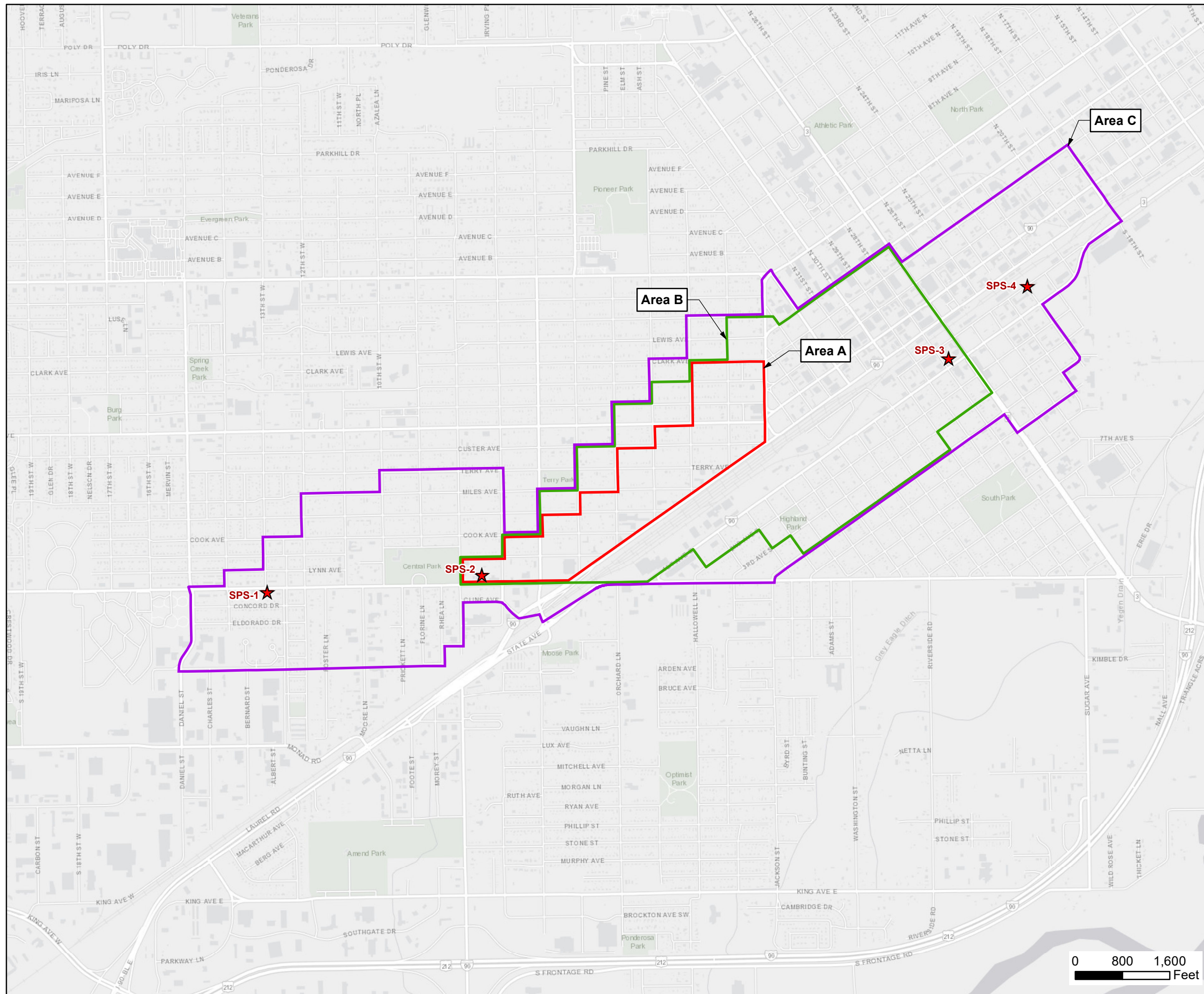
Area C

Area C encompasses 1,100 acres. The perimeter begins at the intersection of Daniel St. and Industrial Ave. and travels east 1,790 feet to S Plainview St. The perimeter travels east an additional 2,350 feet to Florine Lane. It goes east an additional block to Rhea Ln., north one block to Kluge Ln., east one block to S 8th St. W, north two blocks to Cline Ave., and east one block to S 7th St. W. The perimeter then travels east to State Ave. via two underpasses and follows State Ave. east to 4th Ave. S. After turning left onto 4th Ave. S, it travels 4,800 feet northeast and turns right onto S 27th St. It goes one block southeast then turns left onto 5th Ave. S., three blocks northeast to S 24th St., one block northwest to 4th Ave. S, one block northeast to S 23rd St., then three blocks northwest to 1st Ave. S. It follows 1st Ave. S 2,390 feet northeast as it merges with Montana Ave. to S 18th St. Crossing the railroad corridor, the perimeter goes 1,480 feet northwest to 3rd Ave. N. It goes southwest 3,400 feet and turns right onto N 27th St, northwest one block to 4th Ave. N, then five blocks southwest to N 32nd St. It turns right and goes one block to 6th Ave. N and turns left onto Division St. It goes two blocks south and turns right onto Burlington Ave. The perimeter then zigzags two blocks west to 2nd St. W, two blocks south to Clark Ave., one block west to 3rd St. W, two blocks south to Wyoming Ave., one block west to 4th St. W, two blocks south to Custer Ave., one block west to 5th St. W, two blocks south to Miles Ave., one block west to 6th St. W, two blocks south to Cook Ave., and one block west to 7th St. W. It then goes north three blocks to Terry Ave. It goes west three blocks to 10th St. W then continues its zigzag, going south one block to Miles Ave., west two blocks to 12th St. W, south two blocks to Cook Ave., west 670 feet to 13th St. W, south two blocks to Lynn Ave., west one block to 14th St. W, south one block to Central Ave., and west one block to Regal St. Finally, the perimeter goes south 1,380 feet to the starting point – the intersection of Daniel St. and Industrial Ave.

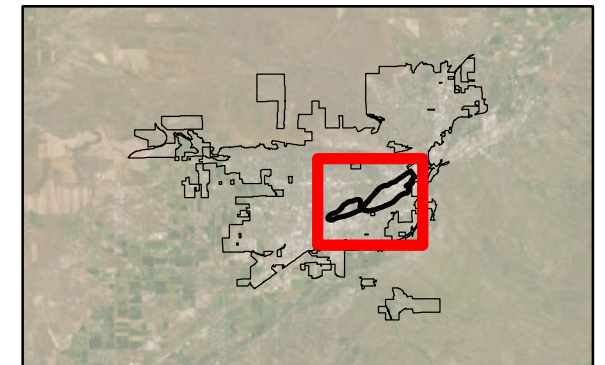
**Figure 4-1
Institutional Control Areas**

Legend

- ★ Suspected PCE Source Area
- Institutional Control Areas**
- Area A
- Area B
- Area C



Notes:
 BPCE = Billings Tetrachloroethene
 PCE = Tetrachloroethene
 SPS = Suspected PCE Source Area

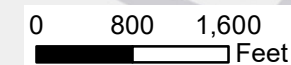


DATA SOURCES
 -TechLaw. 2023. Sampling Activities Report 2022 Groundwater Sampling Event Final. Billings PCE Superfund Site. Yellowstone County, Montana. June.
 -Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
 Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

GILBANE AECOM JV

**BILLINGS PCE SITE
FOCUSED FEASIBILITY STUDY**

DESIGNED BY:	RL	Billings PCE Site OU1 Billings, MT	
DRAWN BY:	SB		
CHECKED BY:	RL	SCALE: 1:19,200	CONTRACT NUMBER: 68HE0318D0008
SUBMITTED BY:	RL	DATE: 7/29/2024	DELIVERY ORDER: 68HE0821F0070
		COORDINATE SYSTEM: NAD 1983 2011 StatePlane Montana FIPS 2500 Ft Intl	



Example Ordinance

ORDINANCE NO. 36-2019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF MONTGOMERY, ALABAMA CHAPTER 5, ARTICLE III, SECTION 5-483: WELLS PROHIBITED IN THE CAPITAL CITY PLUME SITE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 5, Article III, Section 5-483 of the Code of Ordinances for the City of Montgomery, Alabama be amended and the following adopted:

Sec. 5-483. - Capital City Plume Area Requirements.

Section 1. Capital City Plume Site Area Defined

For purposes of the requirements of this Ordinance, the Capital City Plume Site area shall be defined as the following:

An area bordered on the West by the Alabama River, going North along the river to the extension of Goldbug Street, going East along the extension of Goldbug Street to Union Street, going South along Union Street to Washington Avenue, going West along Washington Avenue to Commerce Street, then going Northwest along Commerce Street to the Alabama River.

Section 2. Wells

It shall be unlawful for any person or entity to dig any wells or use any existing wells in the site identified as the Capital City Plume Site.

Section 3. Soil Vapor Barriers

A vapor retarder shall be required in accordance with the International Building Code and applicable EPA vapor intrusion guidelines for all new foundations located within the designated Capital City Plume Site.

Section 4. Certain Uses of First Floor Prohibited in Single Block Area

Schools, daycare facilities or residential use of first floor shall be prohibited in the single block area bordered on the west by N. McDonough Street, on the north by E. Jefferson Street, on the east by N. Hull Street and on the south by Madison Avenue.

Section 5. Alabama Department of Environmental Management

- (a) Requirements set forth in this Section are in compliance with Institutional Controls submitted in the Institutional Controls Plan by the Downtown Environmental Alliance and accepted by the Alabama Department of Environmental Management.
- (b) Any amendments or modifications to this Section are subject to notice, review and consent by the Alabama Department of Environmental Management.

ADOPTED this the 3rd day of September, 2019.

Brenda Gale Blalock
BRENDA GALE BLALOCK, CITY CLERK

APPROVED: SEP - 4 2019

Todd Strange
TODD STRANGE, MAYOR

36-2019



STATE OF ALA. MONTGOMERY CO.
I CERTIFY THIS INSTRUMENT WAS FILED ON
RLPY 05287 PG 0560 2019 Sep 19 02:55PM
STEVEN L. REED
JUDGE OF PROBATE

INDEX	\$5.00
REC FEE	\$2.50
CERT	\$1.00
CHARGE-OTHER TOTAL	\$8.50
350533	

Clerk: #108 02:57PM

City Council Work Session

Date: 01/06/2025
Title: CPSM Report
Presented by: Rich St. John, Police Chief
Department: Police
Presentation: No
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

Staff recommends continued implementation of CPSM recommendations.

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

In 2020, CPSM was brought in to study the Police Department and provide recommendations related to efficiency and effectiveness. That study was completed and the majority of recommendations were positively implemented. In 2024, CPSM was again brought in to conduct a similar assessment but narrower in scope. Specifically, CPSM was asked to look at Basic Patrol, Community Services Officer Program, Investigations, Records, Record Management Systems, and Overtime. That assessment was completed in late 2024 and the report was submitted to Administration for review. In their report a series of observations and recommendations were made and will be presented by CPSM staff at this work session. Similarly, PD staff will present observations, context, and updates regarding implementation of past and current CPSM recommendations. Please refer to the attachments, CPSM Powerpoint, BPD Observations and Actions, Current Staffing Report, and 2024 Statistics for additional details.

ALTERNATIVES

This is a preliminary information session on CPSM report and status of implementation of recommendations.

FISCAL EFFECTS

n/a

Attachments

CPSM Power Point
BPD Observations and Actions
2024 BPD Statistics
BPD Current Staffing Report

**POLICE STAFFING, WORKLOAD, AND OVERTIME
EFFICIENCY STUDY
CITY OF BILLINGS, MONTANA**



SCOPE OF WORK

Basic Patrol

Community Service
Officer

Detectives

Records

Records
Management System



EXAMINE OVERTIME EXPENDITURES FOR POTENTIAL COST SAVINGS

CRIME RATE COMPARISON

	2023			
	Population	Crime Rates		
		Violent	Property	Total
Billings	121,365	929	3,599	4,487
Montana	1,132,812	442	1,834	2,276
National	332,403,650	364	1,917	2,281

REPORTED ACTUAL PART 1 OFFENSES IN BILLINGS, 2019 – 2024 YTD (9 mo.)*

Crime	2019	2020	2021	2022	2023	2024 YTD*
Murder/ Manslaughter	3	14	6	13	9	10
Rape	75	99	121	89	101	83
Robbery	98	125	128	144	150	78
Aggravated Assault	499	728	934	849	818	395
Burglary	608	718	627	674	420	317
Larceny	3,266	3,746	3,635	3,613	3,305	2,208
Vehicle Theft	625	826	1,035	801	643	372

STAFFING CHANGES 2020 - 2024

- **ADDED POSITIONS**

- FOUR NEW SERGEANT POSITIONS**

- EIGHTEEN NEW OFFICER POSITIONS (Includes 8 / February 2025)**

NOTE: AS OF SITE VISIT, TEN OFFICERS WERE IN TRAINING AND ONE VACANCY EXISTED. ACTUAL PATROL OFFICER STAFFING WAS 6 POSITIONS BELOW 2020 LEVEL

- TEN NEW CSO POSITIONS ADDED. FOUR CSO VACANCIES AT PRESENT**

PATROL CALL ACTIVITY 2023 vs 2019

Category	2023		2019		#Chg +/-		Pct % Chg.
	No. of Calls	Calls per Day	No. of Calls	Calls per Day	No. of Calls	Calls per Day	
Total	74,357	203.7	79,694	218.3	-5,337	-14.6	-7%

CSO WORKLOAD 2023 (Limited Staffing)

	Calls	Workhours
Total	3,356	2,413.6

HIGH PRIORITY RESPONSE TIME

Priority	2023				2019			
	Dispatch	Travel	Response	Calls	Dispatch	Travel	Response	Calls
1-Critical	8.7	3.9	12.6	65	6.7	4.5	11.3	61
2-High	12.7	4.9	17.6	25,222	7	4.9	11.9	27,163
3-Medium	23.0	5.9	28.9	14,666	10.8	6.1	16.9	15,742
4-Low	37.7	7.7	45.5	7,441	18.7	8.8	27.5	9,247
5-CSO	28.2	16.6	44.8	536	NA	NA	NA	NA
7-CPC	18.1	4.1	22.2	2	NA	NA	NA	NA
Total	19.9	5.8	25.7	47,932	10.2	6	16.2	52,213
Injury Accident	2.9	4.4	7.3	512	3.1	4.8	7.9	487

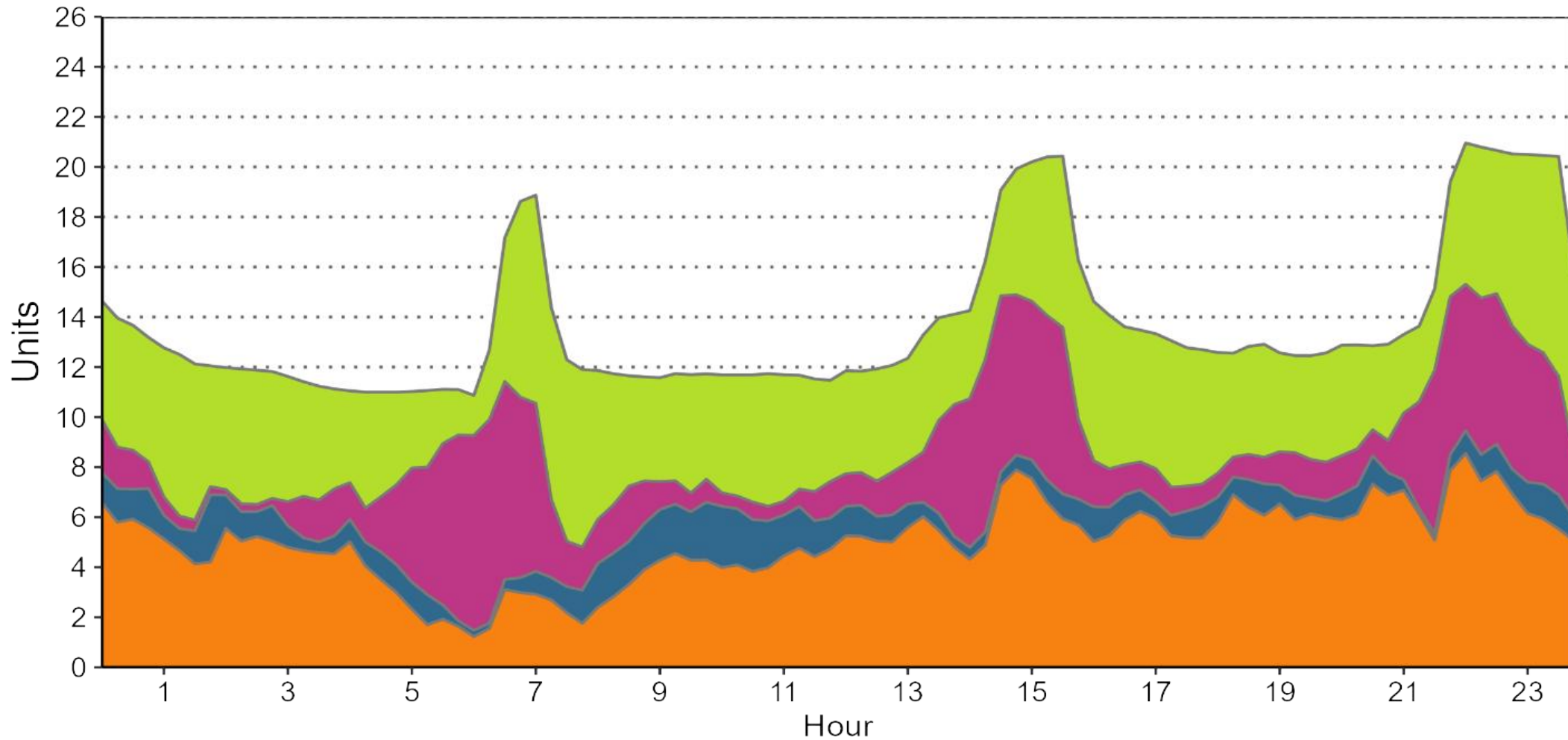
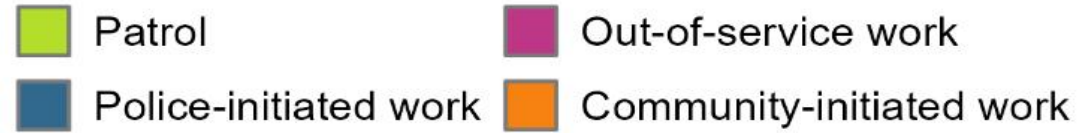
OUT OF SERVICE TIME

In 2019 - 67,475 Activities - 48,469 Hours - 23 FTEs

In 2023 - 46,012 Activities - 32,898 Hours - 16 FTEs

In the following slide we illustrate concentrations of Out of Service Time

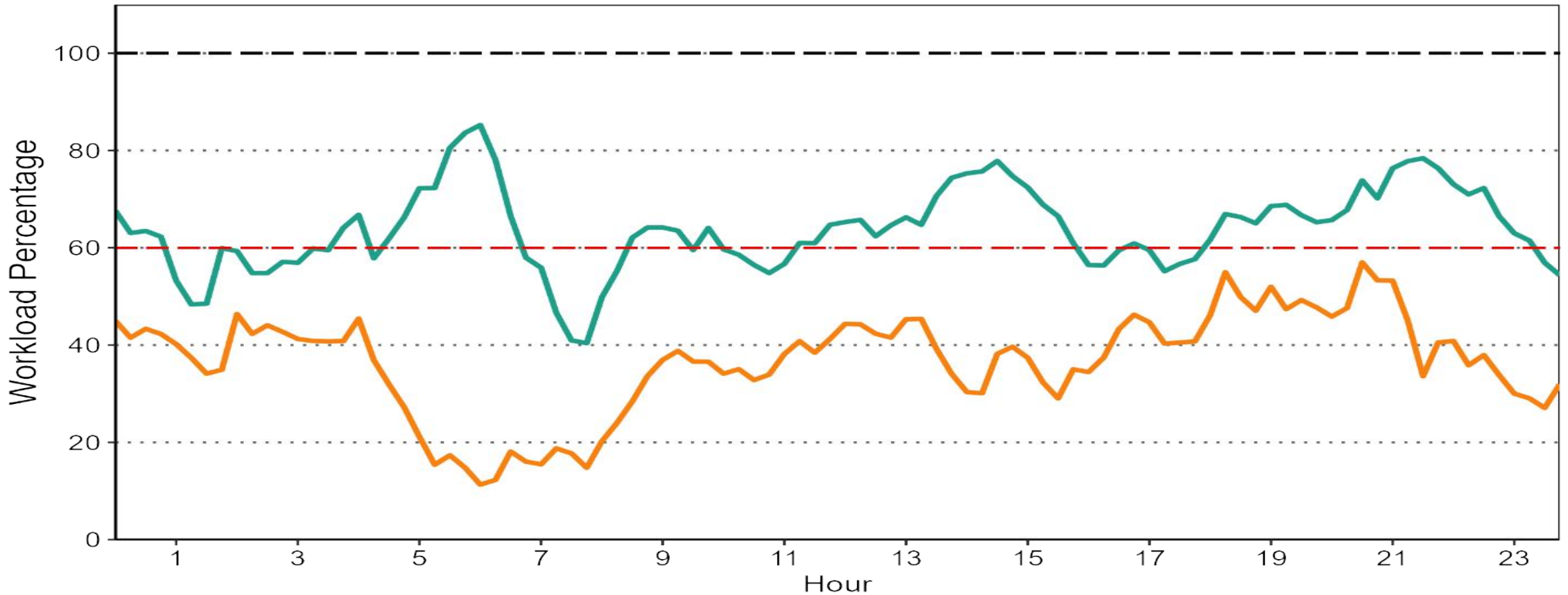
PATROL STAFFING AND WORKLOAD



WORKLOAD PERCENTAGE – TIME OF DAY

- Summer Weekends

— Total work — Community-initiated work



PATROL RECOMMENDATIONS

The department should continue to examine causative factors related to the extraordinarily high amount of “out-of-service” time experienced at present for patrol and patrol-related functions, to include the practice of end-of-shift and mid-shift breaks. (Recommendation No. 1.)

Direct middle-managers and supervisors to proactively review and address subordinate activity related to out-of-service activities, ensuring the time is necessary and appropriate. (Recommendation No. 2.)

Consideration should be given to adjusting shift schedule reporting times to in order to align patrol deployment more closely with community-initiated workload demands. Adding a fourth reporting time would also serve to better balance staffing throughout the day. (Recommendation No. 3.)

Continue to work with the 911/dispatch management team to identify causative factors for the excessively lengthy response times to critical and high-priority calls for service (12.6, 17.6 minutes), and specifically, the period after receipt of a call for service and the assignment of a unit to handle such a call (8.7, 12.7 minutes). (Recommendation No. 4.)

Reconsider the practice of holding some high-priority calls until a zone unit becomes available to handle it. (Recommendation No. 5.)

DETECTIVE DISCUSSION AND RECOMMENDATIONS

CPSM supports the current plan to assign two new police officer positions to the Detective Section when additional staffing as provided for in the 2024/2025 budget permits. (Recommendation No. 8.)

It is recommended that the Billings Police Department revisit the concept of specialized detective work units as proposed in 2020 CPSM assessment report and reiterated in our reporting here. (Recommendation No. 9.)

The case management system as utilized today does not serve the department well. Staff should work to ensure that the use of the current RMS case management technology is maximized and accurately reflects case assignments and case status. (Recommendation No. 10.)

CPSM recommends that the department revisit the development of a civilian-staffed Crime Scene Investigation Unit as proposed in the 2020 CPSM study. (Recommendation No. 11.)

RECORDS DISCUSSION AND RECOMMENDATIONS

- It is recommended that BPD prioritize the filling of vacant Records Support Services Specialists positions. In the interim, evaluate the use of temporary part-time employees to supplement staffing and assist in reducing the current backlog of work. Retired or former personnel oftentimes demonstrate interest in supplementing their income with short-term work assignments and may serve as an excellent source to fit this need. (Recommendation No. 12.)
- Priority should be given to utilizing volunteers to work the public counter. Experienced report-writing volunteers from the Crime Prevention Center would likely be a capable and knowledgeable source of volunteers. This could provide immediate relief to the Records staff without cost. (Recommendation No. 13.)
- It is recommended that BPD establish a quarterly report with performance measures related to the tasks and responsibilities of Records staff so that workload backlogs can be addressed in a timelier manner. (Recommendation No. 14.)
- It is recommended that BPD establish a metric for evaluating staff workload on a year-over-year basis. This would allow for appropriate staffing levels to be considered during budget preparation in future years. (Recommendation No. 15.)

INFORMATION TECHNOLOGY DISCUSSION RECOMMENDATIONS

- Consider relocating the IT specialist who provides dedicated police IT support from City Hall to the Police Department. (Recommendation No. 16.)
- Establish a technology working group, with ample representation from “end users,” to address current and future IT needs including underutilization of the RMS platform and the elimination of work product redundancies that exist at present. (Recommendation No. 17.)
- Consider sending the dedicated IT specialist to Tyler Technologies for an immersion learning experience to better prepare him/her to address the numerous issues leading to the inefficient utilization of the current CAD/RMS platform as will be identified by the proposed technology working group. (Recommendation No. 18.)

OVERTIME DISCUSSION

Fiscal Year	Appropriations	Expenditures	Percent Expended
2020/2021	\$2,712,523	\$2,366,507	87%
2021/2022	\$2,897,045	\$2,364,972	82%
2022/2023	\$2,283,240	\$2,999,108	131%
2023/2024	\$2,550,703	\$2,933,435	115%

OVERTIME RECOMMENDATIONS

- Consider providing budget training to division/section managers, provide monthly access to applicable budget reports, and hold these personnel accountable for managing their budgets. This is neither a difficult nor time consuming exercise. (Recommendation No. 19.)
- Consideration be given to centralizing all accounting for fully reimbursable “off-duty” events, and that this responsibility fall under the direction of the Billings Finance Department. (Recommendation No. 23.)
- To allow for a more detailed analysis of activities that generate overtime associated with both the *Police Overtime* and *Comp Cash Out* cost centers, CPSM recommends that budget reports be amended to include “*Account Names*” for activities associated with meeting minimum patrol staffing and training as articulated in our reporting. (Recommendation No. 24.)

OVERTIME RECOMMENDATIONS Cont.

- Consideration should be given to establishing an overtime “*Segment*” for the Professional Standards Division as well as an “*Account Name*” or cost center for costs associated with training related overtime as addressed in this report. (Recommendation No. 25.)
- To reduce overtime costs, CPSM recommends that the department explore hiring retired police officers to conduct background investigations. In the alternative, this duty could be outsourced to a private company that specializes in this work. (Recommendation No. 26.)
- Consideration should be given to centralizing the command of specialized field units that operate in direct support of the core patrol function. As well, a specific budget “*Segment*” should be established for this central command to allow for appropriate financial controls over expenditures, including overtime. (Recommendation No. 27.)

QUESTIONS / DISCUSSION



2024 CPSM Recommendation Notes

PATROL (Sect 4)

# / (pages)	CPSM Summary	Comments	Action
1 (pp.18-22)	Out of Service Time; End of Shift Practices; Mid Shift Breaks	1.) Reduction (-35% Admin & -22% Personal) in OOS since 2020 report. 2.) Considerations for having Officers put back on calls, to better reflect call handling times and workload. 3.) Briefing practices. 4.) Breaks are CBA. 5.) Considerations for adjusting shift overlap practices.	1.) Clean up data reporting in this area. Current data has considerable overlap with investigation activity after initial call handling. 2) Review shift administrative practices and culture for start / end of shift. 3) Develop data tracking for each work unit (ie. days, noons, nights, dba, etc).
2 (pp.18-22)	Middle managers, supervisors to review and manage out of service activity.	Culture of shift, shift LT, and supervisors.	1.) During shift monitoring. 2.) Adjust End of Shift Beat Exchange Practices Shift Guidelines.
3 (pp.45-48)	Shift schedule alignment; Power shift.	Workload data supports this. Limitation is staffing division wide in order to meet minimum staffing requirements of each shift.	1.) Staff numbers permitting: A) Increase shift staffing per workload data. B) Powershift for overlap. C) Adjust shift start/stop times. D) Combination. 2) Again, data tracking per work unit to help guide staffing.
4 (pp.22-29)	911 Response times to Critical / High priority calls. (Call to dispatch).	1.) Dispatch call handling times doubled, while officer travel times decreased slightly. 2.) Times are aggregate average and don't account for problems with call priority structure. 3.) CPSM accounts for shift practice of holding calls and shift overlap practices as root cause of delayed 911 handling times. 4.) 1/3 of 2-High calls represented total call load in both reports. This is excessive and contributory to long response times. 5.) Mis-prioritized calls have officers running call to call. Call priority has not been reviewed for 20 years. 6.) While priority call holding is practiced there is discrepancy in depth between dispatch, PD, and CPSM.	1.) Prioritize call priority structure review congruent with new dispatch protocol system. 2.) Pull quarterly data reports regarding 911 response times to monitor and adjust. 3.) Address OOS and shift overlap issues as noted above. 4.) Prioritize 1-Critical and 2-High response times as division goals to separate from 3-Medium and 4-Low priority calls. 5.) Supervisors to monitor and prioritize priority 1&2 calls even pulling officers from OOS, Breaks, and other calls.
5	Reconsider practice of holding of high priority calls for zone car.	There is discrepancy between Dispatch and PD interpretation of this practice. While some high priority calls are held for the beat car it's often because the call in prioritized incorrectly. PD has provided dispatch with call priority beat progression response plans.	1.) Prioritize call priority structure review congruent with new dispatch protocol system. Once calls are being prioritized correctly it will be easier to determine if PD is inappropriately holding priority calls. (In Progress)

2024 CPSM Recommendation Notes

CSO (Sect 5)

# / (pages)	CPSM Summary	Comments	Action
6 (pp.51-57)	Continued evaluation to ensure workload effectiveness of CSO's.	Concur. Study showed favorable OOS ratios.	1.) Create work load matrix analysis.
7 (pp.51-57)	2024 data review of fully implimented program.	Concur	1.) Create work load matrix analysis.

DETECTIVE (Sect 6)

# / (pages)	CPSM Summary	Comments	Action
8 (pp.58-63)	Staffing recommendation +2 Detectives budget cycle permissive.		In Progress.
9 (pp.58-63)	Re-structuring of Detectives into specialized work units.	CPSM indicates department and division is big enough to do this.	Staffing dependant???
10 (pp.58-63)	Improve case management.	Case management and workload distribution.	Utilize current system to full capability. New software in future?
11 (pp.58-63)	Re-visit civiliant crime scene investigators.	PD has some staff training and they have been utilized to some extent. Evidence staff has taken on discovery burden.	No budget, no vehicle etc. Need more resources to make it reality. Call pay compensation, schedule, etc.

RECORDS (Sect 7)

# / (pages)	CPSM Summary	Comments	Action
12 (pp.64-68)	Prioritize filling vacancies; Consider part time employees (retirees, former staff).	Concur	Fill vacant positons.
13 (pp.64-68)	Volunteers at front counter.	Re-Visit, Why Not?	In process with new move to the building.
14 (pp.64-68)	Quarterly performance report to manage baklogs and issues sooner.	Concur	In Progress
15 (pp.64-68)	Develop workload metrics for staffing analysis.	Concur	In Progress

IT (Sect 8)

# / (pages)	CPSM Summary	Comments	Action
16 (pp.69-71)	In house IT representative.	Concur	Consult with IT and options with move to new building.
17 (pp.69-71)	Establish tech work group with end users, to improve utilization of current RMS and ID future RMS needs.	Concur	In Progress. Need end users.
18 (pp.69-71)	Consider additional training with Tyler to improve system utilization.	Consideration, improvement from tech work group can help guide.	Tech group has IT as part who is actively working with Tyler to answer questions.

2024 CPSM Recommendation Notes

OT (Sect 9)

# / (pages)	CPSM Summary	Comments	Action
19 (pp.72-87)	Give division managers budget reports and accountability.	Concur	Division captains, lieutenants, and commanders of specialized units given access to respective accounts.
20 (pp.72-87)	Notification of interdepartmental transfers to ensure account number associations.	Concur	Increased communication between PD administration and HR.
21 (pp.72-87)	Remove reimbursable OT from Police Overtime cost center.	Consideration	Specific account numbers have been created to more easily track and properly account for reimbursables.
22 (pp.72-87)	Establish cost center for Standby Pay to track expense.	Consideration	See #19. Contract issue.
23 (pp.72-87)	Centralize reimbursable accounting for special duty events, under Finance.	Consideration	See #21. Under review with finance.
24 (pp.72-87)	Add budget cost center for minimum staffing and training for better tracking.	Concur	See #19. Under review with finance. Possibly handled with payroll coding.
25 (pp.72-87)	Establish professional standards division account name and cost center for training and overtime.	Concur	See #19. Modify budget model to more closely resemble organization chart.
26 (pp.72-87)	Recommend hiring retired officers to conduct background investigations.	Reviewing 3rd party. Not necessarily cost effective. Consider adding FTE to address.	Culture changes / accountability within backgrounds to be more accountable to time.

2024 CPSM Patrol Workload Notes

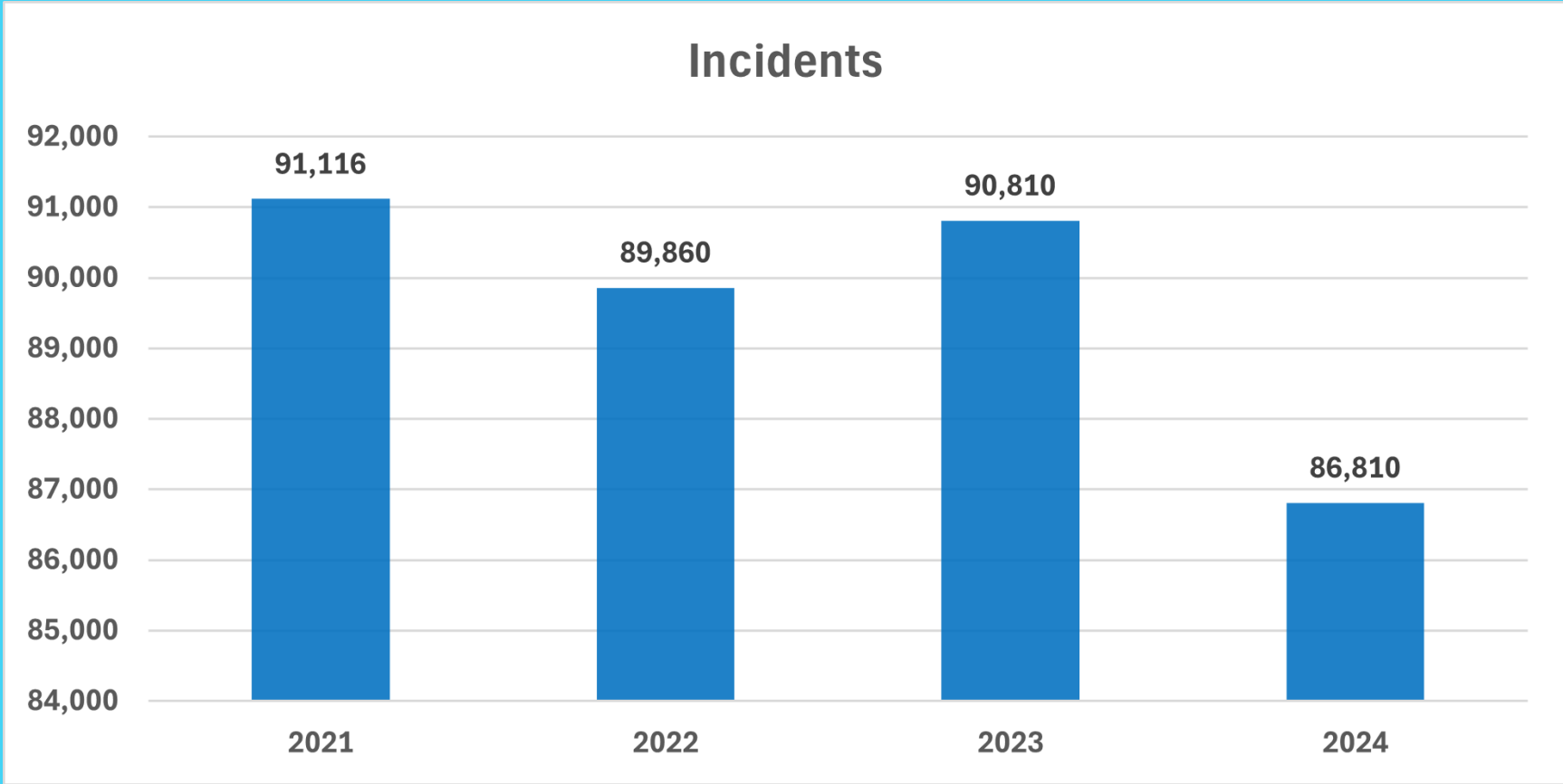
Item	Comment	Action / Outcomes
Discretionary Time Rule of 60	Available: Not handling CFS / Public Workload. 1.) 60% of sworn dedicated to patrol function. 2.) No more that 60% of time committed CFS.	Lack of = understaffed; Too much = overstaffed / mis-allocation 60% Public demands for service (CFS) & Admin Duties. 40% Pro-active enforcement, crime prevention, COP, etc.
Patrol Saturation Index	60% is patrol saturation. Can fluctuate through day.	Switch from proactive to reactive.
Out of Service (p.49)	Currently BPD is 34% OOS time.	CPSM stated goal for OOS time should be under 25%.
CPSM BPD Rule 60: Part 1 (p.31)	CPSM shows BPD 68% which includes K9,DBA, STEP, BC, Parks. Specialty positions were also included in the 2020 report.	According to ICMA CPSM White Paper, recommends 60% of all sworn be assigned to patrol in CFS response funtion (McCabe, p.14). Create workload matrix analysis to assess workload distribution across the specialized units handling CFS.
CPSM Workload Demand Anlysis (pp.32-34)	Includes specialized assignment, (DBA, BC, etc.). Daily averages are high compared to what shift actuals are. This was discussed with CPSM and they wanted to use comparable data from the 2020 report. Question is what is the impact on average numbers for patrol when specialized numbers are calculated.	1.) BPD should assess data capabilities to determine deployment averages for each work group unit. 2.) BPD has created a workload matrix assessment for patrol shifts, but should also do so for specialized units. This would help determine workload distrirbution and increase accuracy of specialized workload assessments.
CPSM Basic Patrol Ops 2023 (pp.39-44)	Basic patrol force used for 2023, no data for 2020. PSI of 62%. Averages will show high due to overlap and departments practice of shift overlap to maintain minimum staffing and not surge coverage.	See above comments regarding workload assessments per work group unit.
CPSM Deployment Considerations (p. 45)	Add one reporting time to further stagger shift coverage.	1.) Consider CBA factors. 2.) Consider a model with numbers and supervision strategies as concept for discussion.

2024 CPSM Patrol Workload Notes

Present staffing/ deployment relative to workload demand. (pp.45-48)	1.) CPSM allocated all caseload to patrol for average calculation. 3.) CPSM average CFS calculations for per officers for 74 officers at 184 shifts.	While not apples to apples, BPD workload assessment of the 3 patrol shifts for Jan-Jun 2024 showed higher numbers in CFS handling and assisting on average. While CPSM data attempts to average and overcome data limitations, specific data is important. For example, days worked per officer was calculated at 184 days by CPSM. Whereas BPD study showed division average of 156 work days per officer. This could lead to assessments of reasons for time off beyond the CPSM's allocated average of 6 weeks per officer. It should be noted that BPD used a different method to calculate average response to CFS per officer.
RMS Workload Data (pp.47-48)	1.) CPSM allocated all caseload to patrol for average calculation. 2.) BPD provided captured workload from RMS in form of case reports only, which did not include supplements, follow up, and possibly excluded accident reports. 3.) CPSM average CFS calculated written reports / arrests and reported as skewed high.	1.) Analysis of BPD workload assessment of each individual officer from each shift during 6 month period showed, higher work load numbers. It should be noted that the numbers were obtained via different methods and the BPD data includes all written reports (supps, follow ups, accidents, etc). 2.) BPD workload analysis revealed an average 156 working days vs CPSM 184. This is a 28 day difference the BPD should identify where the decrease of working days comes from (ie. training, comp time, LWP, etc).
Staffing Relative to Workload (pp.48-49)	CPSM calculates with additional officers and staffing to 90, workload decreases to 49.8%. CPSM noted OOS time as a variable to consider when factoring workloads.	BPD workload assessments should continue for patrol to evaluate accurate workloads while simultaneously addressing dispatch priority and OOS time. Additionally, factoring in CSO workload assessments. Concern with discrepancy between CPSM workload numbers and BPD workload numbers that the CPSM projections may fall short in future assessment.

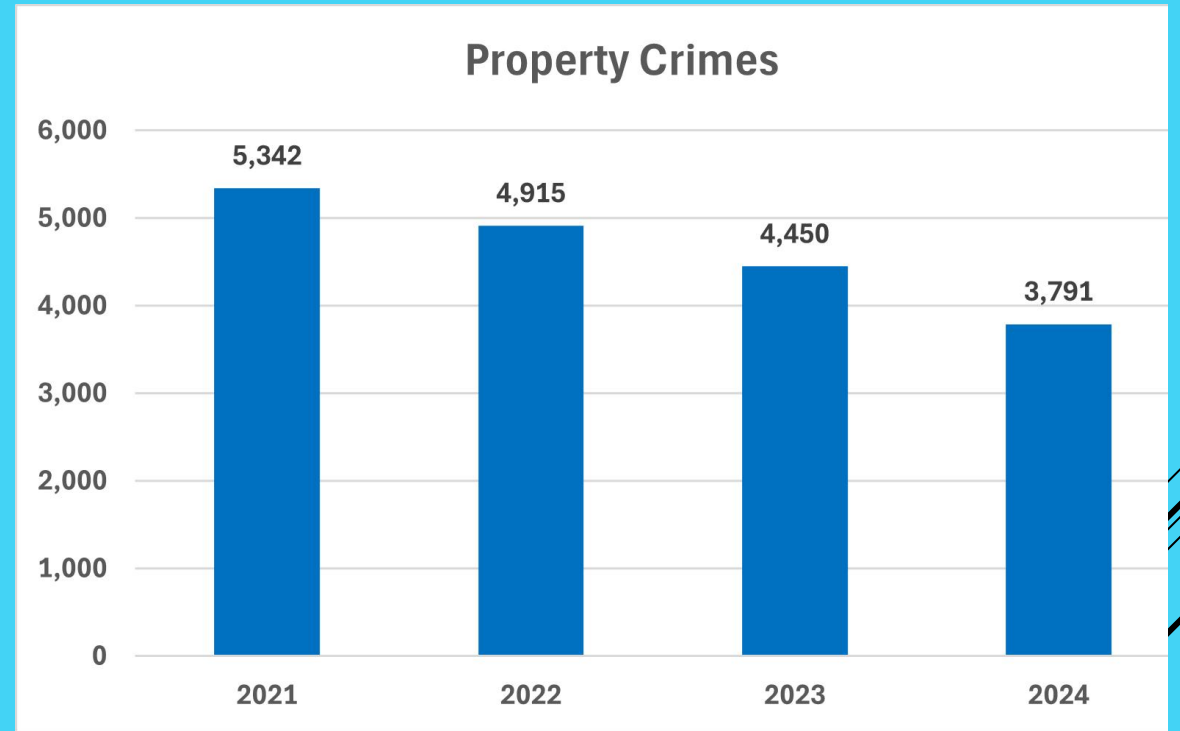
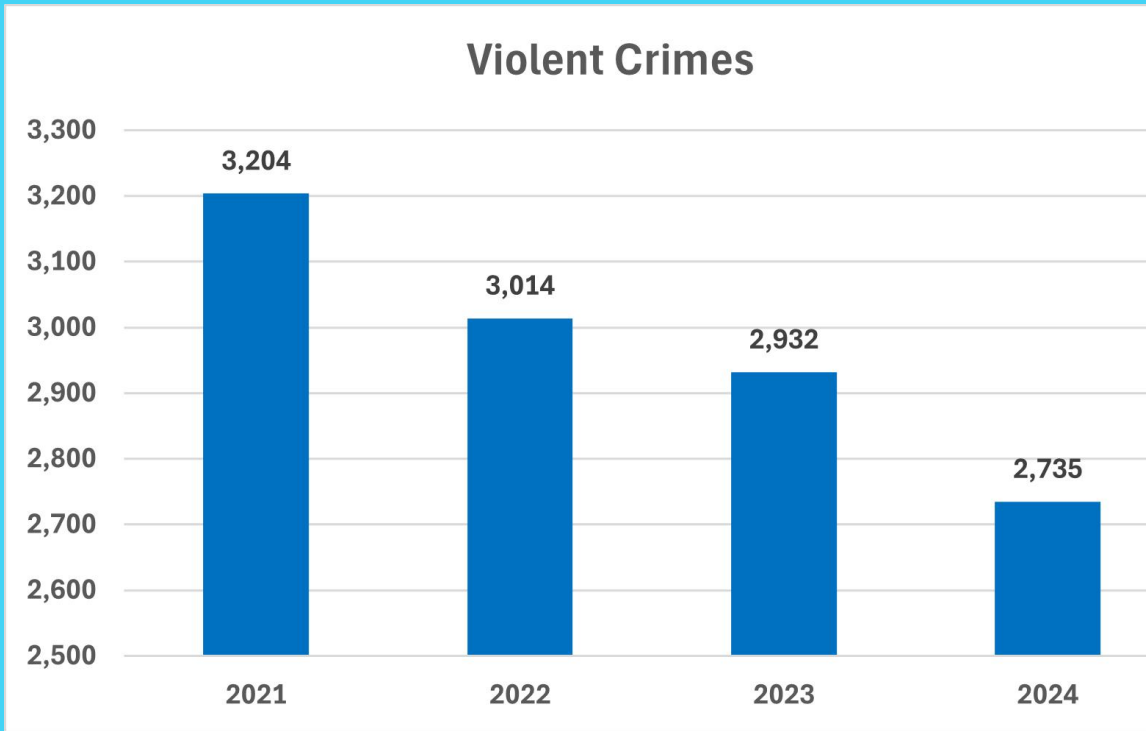
2024 CPSM Investigations Workload Notes

Item	Comment	Action / Outcomes
Workload Assessment (p.60-63)	Current case and workload tracking is insufficient. Improve case tracking and workload management. CSI Unit	1.) Develop case load tracking / management capabilities. 2.) Develop effective workload tracking metrics. (HIDTA as an example does this well.) Resources at evidence?



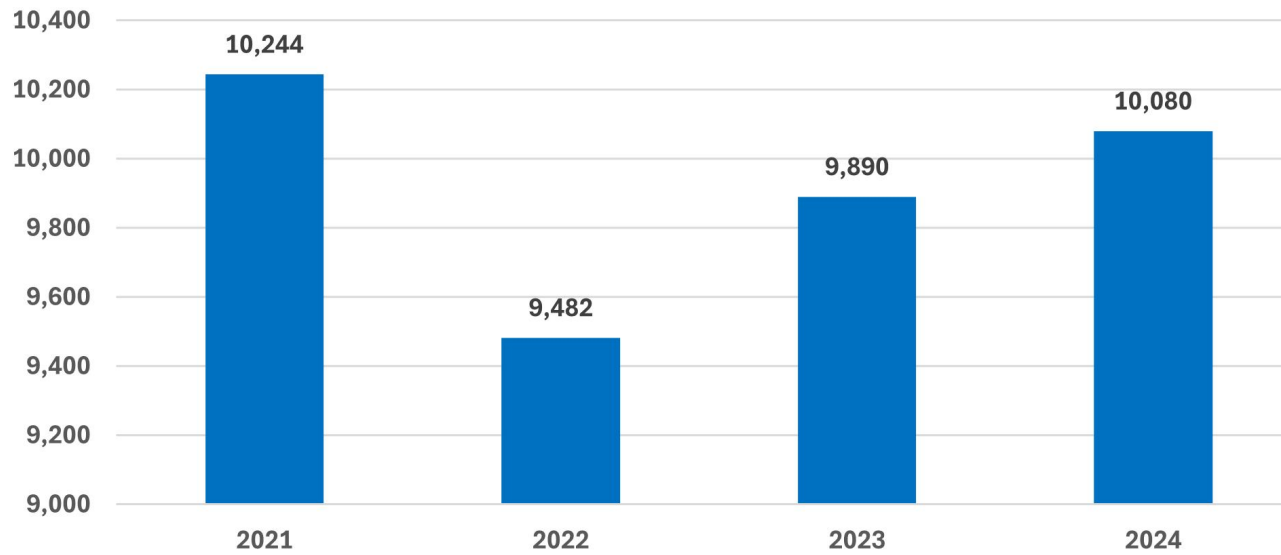
INCIDENTS

JAN. 1 TO DEC. 30 DATA FOR EACH YEAR

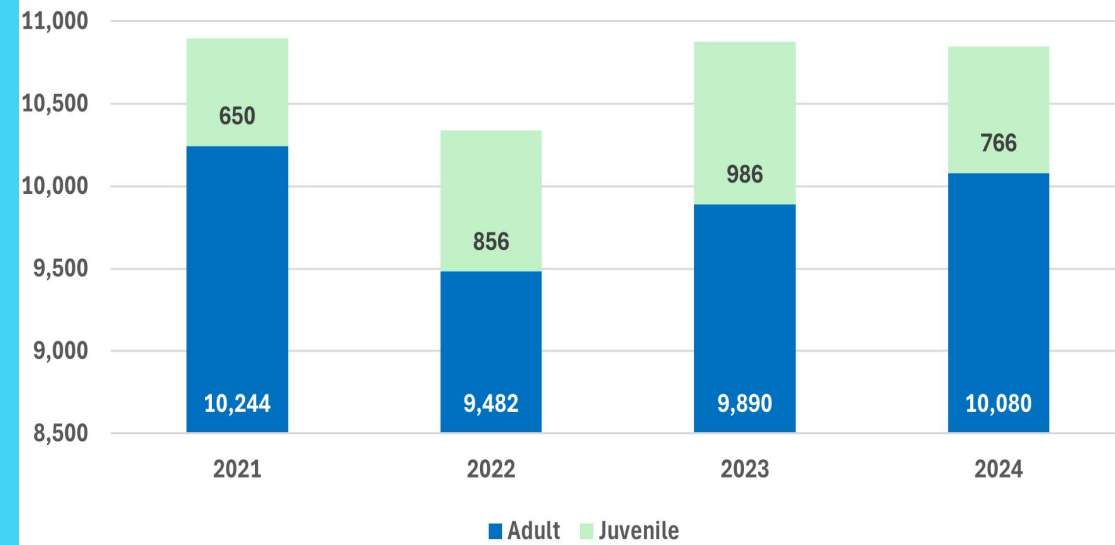


**VIOLENT & PROPERTY CRIMES
JAN. 1 TO DEC. 30 DATA FOR EACH YEAR**

Adult Arrests

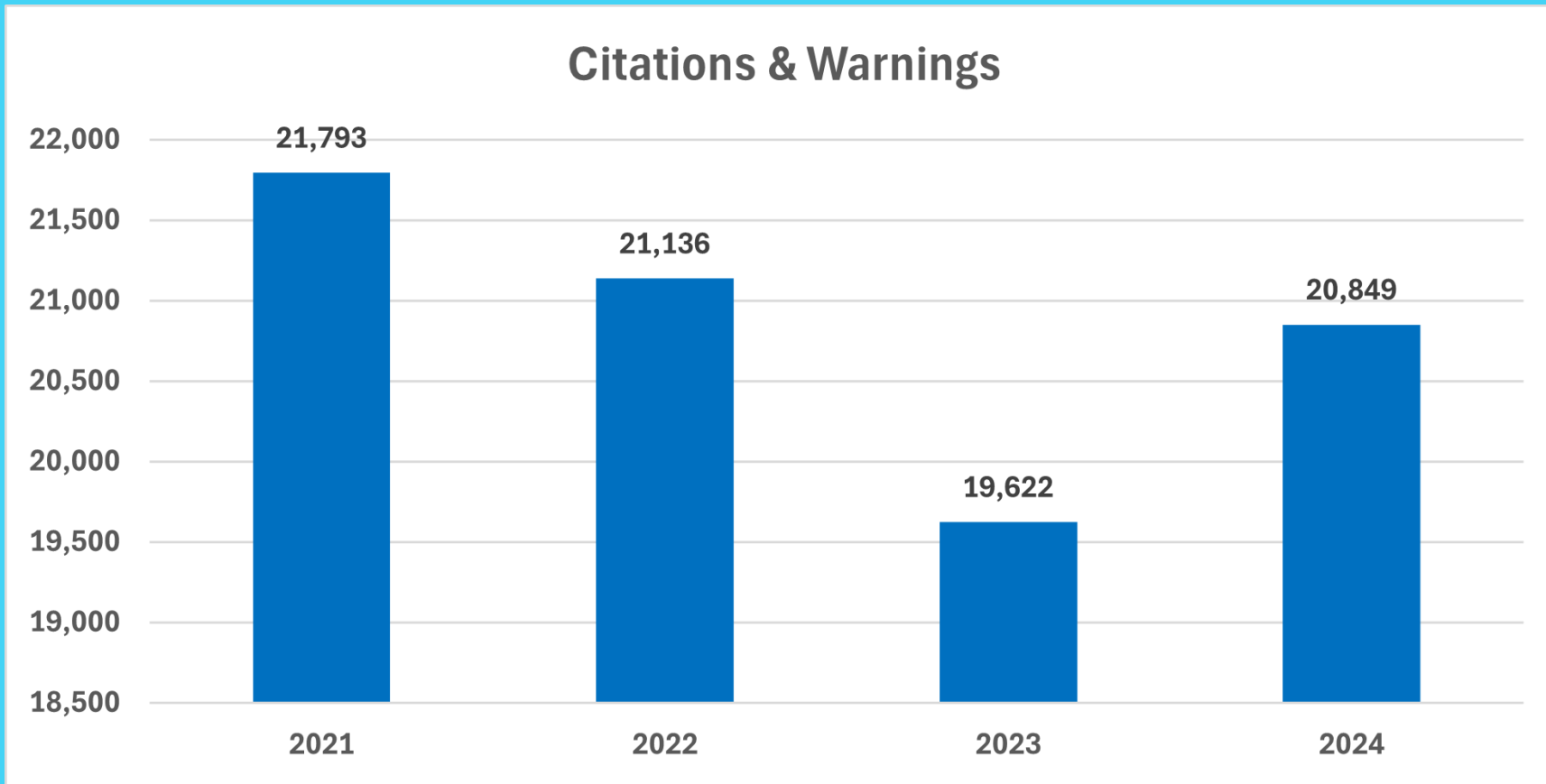


All Arrests



ARRESTS

JAN. 1 – DEC. 30 DATA FOR EACH YEAR



CITATIONS & WARNINGS

JAN. 1 – DEC. 30 DATA FOR EACH YEAR

BPD Sworn Officer Staffing as of January 6, 2025

- 167 sworn personnel authorized. Increases to 174 sworn personnel by the end of January.
- 160 sworn personnel on payroll.
- 6/160 in Field Training.
- Final offers of employment are out to another six (6). They will meet with the police commission next week and go to the academy at the end of January.
- Brings total sworn officers to 166/167.
- Six (6) additional candidates (2 POST certified) are currently in backgrounds.
 - The goal is to have the two (2) POST certified candidates join the six (6) coming out of the academy in April for field training.
- Any of the non-post candidates would attend the April academy.
- We are currently collecting applications for a process in March which will feed the August academy class.

BPD Civilian Staffing as of January 6, 2025

- Three (3) vacancies in clerical.
 - Working with HR on some proposed changes to the job description.
- One (1) vacancy for Crime Analyst.
 - Looking to advertise this vacancy as a Crime Analyst II in hopes of getting a more qualified applicant.
- One (1) CSO position. Current CSO hired as a police officer.

City Council Work Session

Date: 01/06/2025
Title: Code Enforcement Ordinance Amendment Review
Presented by: Tina Hoeger
Department: Planning & Community Services
Presentation: Yes
Legal Review: Yes
Project Number: N/A

RECOMMENDATION

This is a Work Session so staff is expecting Council to hear a presentation on six proposed ordinance amendments, ask questions and provide direction to staff to bring them to Council for action at a regular meeting. The amendments are to clarify language and enforcement. The ordinances are as follows:

- BMCC 24-411 Parking for camping purposes
- BMCC 18-1100 Graffiti (reward language only)
- RES 24-11193 Resolution establishing a graffiti fund
- BMCC 18-1302 Civil citations service and requirements
- BMCC 6-1300 Display of address numbers
- BMCC 13-400 Division 3 - Business, occupation and professional tax

Red-lined versions of the above ordinances are attached to this memo, along with a PDF of the power point presentation. Each slide of the PPT specifically identifies the requested amendments as they apply to each ordinance.

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

Staff continues to review city ordinances to ensure they are consistent with current policy, processes and enforcement. Most of the amendments also change the penalty from a misdemeanor to a municipal infraction. The city ordinances have been reviewed by Code Enforcement staff and City Legal staff and require language updates and edits. Staff is requesting approval from Council to bring the city ordinances outlined in this memo to Council for formal amendment action.

STAKEHOLDERS

The Code Enforcement Division is tasked with enforcing city ordinances, and the suggested amendments will update the language in them to be consistent with previously amended ordinances that have been approved by council. The amendments remove the penalty for violating these ordinances as a misdemeanor and replace the penalty as a municipal infraction, which has a direct effect on the property owner and simplifies the prosecution process. This eliminates the need for legal staff to be involved at a court level in these cases.

ALTERNATIVES

City Council may:

- Approve the amendments as proposed; or,
- Discuss suggested changes to the ordinances to be brought back to council prior to formal action; or
- Not Approve the amendments and not move ahead with the changes. Not moving forward with the amendments will continue to make addressing ordinance violations less efficient and more difficult for the City.

FISCAL EFFECTS

Approval of the suggested amendments to the listed city ordinances does not have a negative impact on the CE budget. Approval may decrease staff time required to prosecute these cases, increasing efficiency and allowing CE staff to have more time to address more and varying City code violations.

SUMMARY

Staff is recommending the City Council approve the requested amendments to the city ordinances so staff may bring the amendments back to Council for formal action.

Attachments

Ordinance Revisions Presentation
Parking for Camping Purposes Amended
Graffiti Ordinance Amended (rewards)
Graffiti Resolution 24-11193 establishing fund
Example of reward form
Civil Citations Service and Requirements
Display of Address Numbers
Business, Occupation and Professional Tax



Ordinance Work Session

Tina Hoeger

Code Enforcement Division Manager

Todd Corne

Civil Deputy City Attorney

City Council Work Session

January 6, 2025



Overview

- Parking for Camping Purposes
- Graffiti Reward*
- Civil Citations Service and Requirements
- Display of Address Numbers
- Business, Occupation and Professional Tax

*minor language revisions to previously amended ordinance and resolution



BMCC 24-411

Parking for Camping Purposes

- Addition of language: **or any non-motorized vehicles**
- Removal of terminology: **authorized tourist park, replacing it with MCA definition of a campground.**
 - Allows city to address all types of vehicles in public spaces
 - Unattached campers on a city street or other public areas
 - Any other version of a non-motorized vehicle
 - Remaining language in code stays the same

Revision reviewed and approved by BPD administration and parking division.



BMCC 18-1105
Graffiti Rewards and
Reimbursements for Information

- Language revisions:
 - Change **accept** to **approve** and **accepted** to **approved**
 - Provides additional clarity
 - Change **council** to **administrator**
 - City Administrator to approve a reward as an administrative function, as originally intended.
 - Same language revisions made in Resolution 24-11193 Establishing a Graffiti Fund, item 3 Review of Claims.
- If approved, update language in graffiti reward form.
 - Copy of reward form is attached for council information.
- Remaining language in code stays the same



BMCC 18-1302

Civil Citations – Service and Requirements

- Language revision to 18-1302(a)(3):
 - By publication, in the manner described in **Rule 4(o)** of the Montana Rules of Civil Procedure, **except that all proceedings for issuance of service by publication shall be had with the Billings Municipal Court and the Billings Municipal Court Clerk in place of the District Court and the Clerk of the District Court.**
- The Civil Procedure Rule referenced for service by publication is outdated and requires above amendment.
- Remaining language in this article stays the same.



BMCC 6-1300

Display of Address Numbers

- 6-1307 Compliance required; correction of violations (Address Display)
 - Removed **within twenty (20) days after the date of such notice.**
 - Updated language would be consistent with current enforcement process, i.e. letter notification, etc.
- 6-1308 Penalty.
 - Amended language to change enforcement of this article from a misdemeanor to a municipal infraction.

Amendments reviewed and approved by Building Official.



BMCC 13-400 Division 3
Business, Occupation and Profession Tax

- 13-436 Additional penalties:
 - Amended language to change enforcement from a misdemeanor to a municipal infraction.
 - Added language:
 - Each day that a violation occurs is a separate offense.
- Remaining language in code stays the same

Amendments reviewed and approved by Finance Director.

Sec. 24-411. Parking for camping purposes.

It is unlawful for any person to park any motor vehicle or any non-motorized vehicle for camping purposes in the city except in an authorized tourist park, a campground as defined by MCA 50-52-101(1) and which is in compliance with state and city health, licensing, and zoning provisions.

- (1) Overnight parking or camping in private parking lots within the city limits is prohibited. However, a rest period of no more than ten (10) hours shall be allowed, providing it is permitted by the owner of the parking lot. The rest period shall consist of ten (10) consecutive hours, after which time the vehicle must be removed from the parking lot.
- (2) Upon approval by resolution, the city council may temporarily suspend the requirements and restrictions imposed by section 24-411 in order to accommodate special events held within the city. The resolution of suspension shall become effective forty-eight (48) hours prior to the official start of the scheduled event and shall terminate forty-eight (48) hours after official conclusion of the event.

(Code 1967, § 11.32.110; Ord. No. 89-4789, §§ 1, 2, 6-26-89; Ord. No. 06-5362, § 1, 3-27-06)

ARTICLE 18-1100. GRAFFITI¹

¹Editor's note(s)—Ord. No. 24-5880, § 1, adopted April 22, 2024, amended article 18-1100 in its entirety to read as herein set out. Formerly, article 18-1100 pertained to similar subject matter, and derived from Ord. No. 05-5332, §§ 1—16, adopted July 11, 2005.

Sec. 18-1101. Purpose.

Graffiti presents a threat to the health, safety and welfare of the community and reduces the value of adjoining properties. Graffiti is deemed a public nuisance in accordance with section 18-301. Standards for graffiti abatement established in this section will help improve the appearance of these structures and preserve neighborhood property values.

(Ord. No. 24-5880, § 1, 4-22-24)

Sec. 18-1102. Definitions.

For the purposes of this article the following definitions shall apply:

Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization constitutes a public nuisance as defined in section 18-302.

Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

Owner means any entity or entities have a legal or equitable interest in real or personal property including but not limited to the interest of a tenant or lessee.

Paint stick or graffiti stick means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-eighth ($\frac{1}{8}$) of an inch in width.

Perpetrator means a person who applies graffiti to or on any property located within the city.

Person means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Property means any real or personal property and that which is affixed, incidental or appurtenant to real property including but not limited to any structure, fence, wall, sign or any separate part thereof whether permanent or not.

Responsible party means an owner or entity or person acting as an agent for an owner by agreement who has authority over the property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each owner shall always be a responsible party for the purposes of this chapter. There may be more than one responsible party for a particular piece of property.

Unauthorized means without the consent of the responsible party.

(Ord. No. 24-5880, § 1, 4-22-24)

Sec. 18-1103. Prohibitions.

It shall be unlawful for any person to apply graffiti to or on any property located within the city.

(Ord. No. 24-5880, § 1, 4-22-24)

Sec. 18-1104. Enforcement and penalties—Perpetrator.

- (a) *Fines and imprisonment.* Any person violating this article by applying graffiti to any property shall be punished as provided in section 1-110.
- (b) *Restitution.* In addition to any punishment specified in this section, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court.
- (c) *Community service.* In-lieu of, or as part of, the penalties specified in this section, an offender may be required to perform community service as described by the court based on the following minimum requirements:
 - (1) The offender shall perform at least thirty (30) hours of community service.
 - (2) The entire period of community service shall be performed under the supervision of a community service provider approved by the municipal court.
 - (3) Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the offender, including community service that involves graffiti removal.

(Ord. No. 24-5880, § 1, 4-22-24)

Sec. 18-1105. Rewards and reimbursements for information.

- (a) The city may offer a reward in an amount to be established by resolution of the city council for information leading to the identification and apprehension of any person who willfully damages or destroys any public or private property by the use of graffiti. In the event of damage to public property, the offender or the parents or legal guardian of any unemancipated minor must reimburse the city for any reward paid. In the event of multiple contributors of information, the reward amount shall be divided by the city in the manner it shall deem appropriate.
- (b) Claims for rewards under this section shall be filed, in writing, with the city clerk. Each claim should:
 - (1) Specifically identify the date, location, and kind of property damaged or destroyed;
 - (2) Identify by name the person who was convicted; and
 - (3) Identify the court and the date upon which the conviction occurred.
- (c) The city administrator shall review each claim for reward submitted pursuant to this chapter and either ~~approve~~ ~~accept~~, ~~accept~~ ~~approve~~ in part, or deny the claim. No claim for a reward shall be ~~accepted~~ ~~approved~~ by the city ~~council~~ ~~administrator~~ unless the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied. The investigation must determine that the claimant's information was relevant and directly responsible for the arrest and conviction of the suspect.
- (d) The offer of a reward is made to members of the public generally. However, no law enforcement officer, municipal officer, employee of the city, or person(s) apprehended shall be eligible for such a reward.
- (e) Any person committing graffiti vandalism shall be civilly liable for any reward paid pursuant to this section. If said person is an unemancipated minor, then the parent or lawful guardian of said minor shall be civilly liable for any reward paid pursuant to this section.

(Ord. No. 24-5880, § 1, 4-22-24)

Sec. 18-1106. Graffiti as a public nuisance.

- (a) The existence of graffiti on private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the abatement provisions specified in section 18-305.
- (b) It is the duty of both the owner of the private property to which the graffiti has been applied and any responsible party to at all times keep the private property clear of graffiti.
- (c) Failure to remove graffiti by the private property owner or any responsible party shall be punished as a municipal infraction and shall be subject to civil penalties as specified in section 18-1304.

(Ord. No. 24-5880, § 1, 4-22-24)

Secs. 18-1107—18-1113. Reserved.

Sec. 18-1114. Ease of removal provisions.

- (a) *Common utility colors and paint type.* Any gas, electric, telephone, water, sewer, cable, telephone and other utility operating in the city shall paint its above-surface metal fixtures with a uniform paint type and color, or wrap, that meets with the approval of the city administrator or the city administrator's designee.
- (b) *Conditional encroachment permits.* All encroachment permits issued by the city shall, among such other things, be conditioned on:
 - (1) The permittee's application of an anti-graffiti material to the encroaching object of a type and nature that is acceptable to the city administrator, or the city administrator's designee;
 - (2) The permittee's immediate removal of any graffiti;
 - (3) The city's right to remove graffiti or to paint the encroaching object; or
 - (4) The permittee's providing the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object containing graffiti.

(Ord. No. 24-5880, § 1, 4-22-24)

Sec. 18-1115. Reserved.

Sec. 18-1116. Anti-graffiti fund.

The city council may at its discretion create the city anti-graffiti fund. Costs recovered for graffiti removal and penalties assessed in municipal court against violators of this article shall be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The council, or its designee, shall direct the expenditures of monies in the fund. Such expenditures shall be limited to the payment of the cost of labor and materials for graffiti removal, the payment, at the discretion of the city council, or its designee, of rewards for information leading to the conviction of violation of the article, the costs of administering the article, and such other public purposes pertaining to graffiti as may be approved by the council by resolution.

(Ord. No. 24-5880, § 1, 4-22-24)

RESOLUTION 24-11193

A RESOLUTION ESTABLISHING PER SECTION 18-1116, BILLINGS MONTANA CITY CODE (BMCC) A GRAFFITI REWARD FUND TO ENCOURAGE THE REPORTING OF GRAFFITI VANDALISM AND LEAD TO THE IDENTIFICATION, APPREHENSION AND CONVICTION OF GRAFFITI VANDALS

WHEREAS, Section 18-1116 Billings, Montana City Code (BMCC) provides that the City shall create an anti-graffiti fund to include payment of rewards for information leading to the identification, apprehension, and conviction of a person found guilty of graffiti vandalism, and

WHEREAS the prevention of graffiti vandalism is important to the City and establishing a reward will encourage reporting; and

WHEREAS increased reporting of graffiti vandalism is a mechanism to deter such behavior; and

WHEREAS, the City Council has duly considered the matter and is establishing an anti-graffiti fund in BMCC Section 18-1116.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. REWARD AMOUNT: The amount of \$500.00 for information leading to the conviction of a person found guilty of graffiti vandalism.
2. CLAIMS FOR REWARDS: Each claim shall be filed in writing to the City Clerk and shall specifically identify the date, location, and kind of property damaged or destroyed; identify by name the person who was convicted; and identify the court and the date upon which the conviction occurred.
3. REVIEW OF CLAIMS: The City Administrator shall review each claim for reward submitted and either ~~approve~~ ~~accept~~, ~~accept~~ ~~approve~~ in part, or deny the claim. No claim for reward shall be ~~accepted~~ ~~approved~~ by the City ~~Council~~ ~~Administrator~~ unless the City investigates and verifies the accuracy of the claim and determines the requirements have been satisfied.
4. INELIGIBLE CLAIMANTS: No law enforcement officer, municipal officer, employee of the City, or person(s) apprehended shall be eligible for a reward.
5. NOTICE OF HEARING. On Monday, April 8, 2024, at 5:30 p.m., or as soon thereafter as the matter could be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council heard objections to

the adoption of this resolution. The City Clerk published notice twice, at least five (5) days prior to the hearing, in the Yellowstone County News, as provided in Section 7-1-4127, MCA.

6. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 8th day of April, 2024.

CITY OF BILLINGS



By: William A. Cole d. 4/8/24
William A. Cole, Mayor

ATTEST:

By: Benise R. B | hfwa [t]
Benise R. B | City Clerk

City Council Regular

Date: 04/08/2024
Title: Resolution Establishing Graffiti Reward Fund Per BMCC Section 18-1116
Presented by: Tina Hoeger
Department: Planning & Community
Services Presentation: Yes
Legal Review: Yes
Project Number: N/A

RECOMMENDATION

Code Enforcement staff and City Legal staff recommend the City Council approve a Resolution establishing a Graffiti Reward Fund Per BMCC Section 18-1116 and direct staff to make an initial budget allocation to the fund.

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

In addition to the proposed amendments to the Nuisance, Graffiti, and Boarded Up Structures ordinances considered by City Council, a resolution has been drafted to establish an anti-graffiti fund per BMCC Section 18-1116, and setting a reward amount for information leading to the conviction of a graffiti vandal. The resolution is attached to this memo and City Council is scheduled to take action on the resolution at this meeting.

STAKEHOLDERS

The residents of Billings will ultimately benefit from the City incentivizing the reporting of graffiti vandalism and getting convictions of graffiti vandals. Tools like this to discourage graffiti across the City will lead to safe neighborhoods, improved quality of life, and less damage to private and public property.

ALTERNATIVES

City Council may:

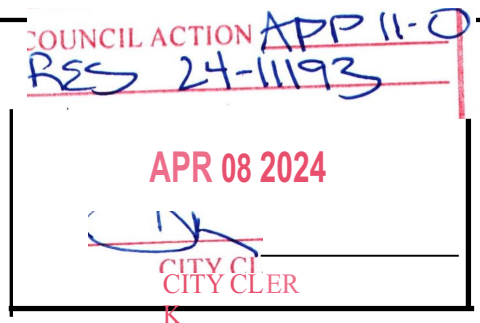
- Approve the Resolution establishing a Graffiti Reward Fund Per BMCC Section 18-1116 and direct staff to make an initial budget allocation to the fund; or,
- Not Approve the Resolution establishing a Graffiti Reward Fund Per BMCC Section 18-1116 and not direct staff to make an initial budget allocation to the fund. Not approving the Resolution will mean one less tool in the City's tool box to discourage and prevent graffiti vandalism in the community and would be out of the alignment with the Council's strategic goals to improve public safety.

FISCAL EFFECTS

The establishment of the anti-graffiti reward fund would require an initial budget allocation amount to start the fund. However, Municipal Court fines would be deposited in this fund going forward to help supplement the budget to support rewards for information leading to convictions.

Attachments

Graffiti Fund Resolution



**CLAIM FOR REWARD
CITY OF BILLINGS CODE ENFORCEMENT
DIVISION
ANTI-GRAFFITI PROGRAM**

Before completing this form, please call the Billings Police Department at 406-657-8460 to obtain the case number relating to the incident you witnessed.

Send completed form to City of Billings, Code Enforcement Division, PO Box 1178, Billings, MT 59103.

PLEASE PROVIDE THE FOLLOWING INFORMATION: Today's Date: _____

Your Name:	Telephone Number: (day/eve):
Address: City, State, Zip	BPD Case Number:
Date of incident	Location of incident:
Kind of property damaged or destroyed:	

Please provide the following information relating to the suspect, if known:

Name:		AKA:		
Address:		Telephone Number:		
Race:	Sex:	Ht:	Wt:	DOB/Age:
Hair Color:	Hair Length:	Facial Hair:	Is the suspect under 18 years old? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Please describe the incident you witnessed and why you believe you are eligible for a reward.

<p>FOR CLAIMANT:</p> <p>Date: _____</p> <p>Signature: _____</p> <p style="text-align: center;">Claimant</p>

FOR CODE ENFORCEMENT:

Name of person convicted: _____

Date of conviction: _____

Court/Cause Number: _____

Amount of Damage: _____

Amount of Reward: _____

Claim: ___ Verified as accurate/ ___ Partially verified as accurate/ ___ Unable to be verified as accurate

Additional Comments: _____

Date forwarded to City Clerk: _____

Signature: _____

Code Enforcement Officer

FOR CITY ADMINISTRATOR:

Claim: ___ Accepted/ ___ Accepted in Part/ ___ Denied

Additional

Comments: _____ Date: _____

Signature: _____

City Administrator

FOR CITY CLERK/COUNCIL:

Claim: ___ Accepted/ ___ Accepted in Part/ ___ Denied

Date: _____

Signature: _____

City Clerk

Sec. 18-1302. Civil citations—Service and requirements.

- (a) Any officer may issue a civil citation to a person who commits a municipal infraction.
- (b) The citation may be served on the alleged violator by any one of the following methods:
 - (1) Personal service;
 - (2) By certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested; or
 - (3) By publication, in the manner described in Rule 4(o) of the Montana Rules of Civil Procedure, except that all proceedings for issuance of service by publication shall be had with the Billings Municipal Court and the Billings Municipal Court Clerk in place of the District Court and the Clerk of the District Court.
- (c) A copy of the citation must be retained by the issuing officer and one copy be sent to or filed with the clerk of the Billings Municipal Court.
- (d) The citation shall serve as notification that a municipal infraction has been committed and shall contain the following information:
 - (1) The name and address of the defendant;
 - (2) The name or description of the infraction attested to by the officer issuing the citation;
 - (3) The location and time of the infraction;
 - (4) The amount of the civil penalty to be assessed or the alternative relief sought, or both;
 - (5) The manner, location and time in which the penalty may be paid;
 - (6) The time and place of court appearance; and
 - (7) The penalty for failure to appear in court.

(Ord. No. 10-5501, § 1, 1-11-10)

ARTICLE 6-1300. DISPLAY OF ADDRESS NUMBERS¹

¹Editor's note(s)—Ord. No. 84-4596, §§ 1—8, adopted July 9, 1984, did not specifically amend the Code, hence inclusion of said ordinance herein as Art. 6-1300, §§ 6-1301—6-1308, was at the discretion of the editor.

Sec. 6-1301. Address number required.

All houses, buildings or structures used or intended for use as living quarters or as a place for the conduct of business in the city shall have a designated address number conspicuously displayed above or near a door or entrance that faces a public or private street.

(Ord. No. 84-4596, § 1, 7-9-84)

Sec. 6-1302. Designation of address numbers.

The city administrator, or his designee, shall designate the proper address numbers for all houses, buildings or structures required to be numbered by section 6-1301. The city administrator or his designee shall have the power to change such numbers when, in his judgment, such change is necessary to avoid or eliminate confusion with other numbers.

(Ord. No. 84-4596, § 2, 7-9-84)

Sec. 6-1303. Record of address numbers.

The city administrator or his designee shall keep a record of all proper address numbers and shall furnish such numbers to any person requesting same.

(Ord. No. 84-4596, § 3, 7-9-84)

Sec. 6-1304. House, building or structure being erected or remodeled required to be numbered.

Any person erecting or remodeling any house, building or structure required to be numbered by section 6-1301 shall ascertain from the city administrator or his designee the proper address number for such house, building or structure and shall display said number as provided in this article.

(Ord. No. 84-4596, § 4, 7-9-84)

Sec. 6-1305. Specifications for display of address number.

All address numbers shall be displayed with arabic numerals, which shall be a minimum of three and one-half (3½) inches and a maximum of eighteen (18) inches in height having a minimum stem width of one-half (½) inch and shall be of a contrasting color with the building. No address number shall be obscured from view by vegetation, screening or other means.

(Ord. No. 84-4596, § 5, 7-9-84)

Sec. 6-1306. Alternative method of address display.

A different method of address display may be required by the city administrator or his designee for a house, building or structure which is located further from a street than the normal front yard set back.

(Ord. No. 84-4596, § 6, 7-9-84)

Sec. 6-1307. Compliance required; correction of violations.

Any person owning, leasing, occupying or maintaining any house, building or structure which has no number displayed thereon, which displays an incorrect number, or violates this article in any way, when so informed and notified by the city administrator or his designee shall put up a number, shall change the incorrect number so that

the proper number will be displayed, or shall take any necessary action to comply with this article, ~~within twenty (20) days after the date of such notice.~~

(Ord. No. 84-4596, § 7, 7-9-84)

Sec. 6-1308. Penalty.

Any person who violates any of the provisions of this article ~~is guilty of~~ may be cited for the violation into municipal court as a ~~misdemeanor~~ municipal infraction and shall be subject to civil penalties as specified in section 18-1304. ~~and upon conviction thereof is punishable by a fine not exceeding twenty five dollars (\$25.00). Each day that a violation occurs is a separate offense. such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued, or permitted by such person, and shall be punished accordingly.~~

(Ord. No. 84-4596, § 8, 7-9-84)

DIVISION 3. BUSINESS, OCCUPATION AND PROFESSION TAX

Sec. 13-421. Definitions.

For the purpose of this division the following definitions have the meanings established as follows unless the context provides otherwise:

Business, occupation and profession is intended to cover all businesses, associations, occupations, professions, trades, pursuits, vocations, entertainments, continuous garage sales, transient vending, and door-to-door sales conducted within the city on a regular on-going basis.

Continuous garage sales are garage sales which are conducted for more than three (3) consecutive days and more often than semiannually.

Home occupation means all businesses or offices operated out of a home and defined in the zoning ordinance.

Liquor includes beer, wine, and all beverages and is in addition to city general license fees and fees imposed by the state.

Tax receipt is the document issued by the city, evidence that the tax has been paid. The tax receipt shall be issued in lieu of a license fee receipt for persons and entities that are required to pay a license fee tax to the city for the sale of liquor.

Transfers means a fee for all holders of tax receipts to pay to transfer ownership or sites.

Transient vendors and *door-to-door salespersons* are persons representing themselves or other businesses who conduct their sales activities from door-to-door within the city.

(Ord. No. 82-4474, § 2(3.15.030), 11-8-82; Ord. No. 84-4567, § 2(3.15.030), 1-9-84; Ord. No. 86-4700, § 1, 6-23-86)

Cross reference(s)—Definitions and rules of construction generally, § 1-102.

Sec. 13-422. Construction.

No provision contained in this division shall be construed so as to tax any trade, business, occupation, vocation, pursuit, profession or entertainment prohibited by the constitution or laws of the United States, or the constitution of the state.

(Ord. No. 82-4474, § 2(3.15.010), 11-8-82; Ord. No. 84-4567, § 2(3.15.020), 1-9-84)

Sec. 13-423. Tax imposed.

Every person conducting, transacting, or carrying on any business, occupation, profession, trade, pursuit, vocation, entertainment, continuous garage sale, transient vending, or door-to-door sales within the city shall be subject to and shall pay the annual tax imposed under this division. A nonprofit arts organization having a special beer and table wine license issued pursuant to Section 16-4-303, MCA is exempt from and shall not be required to pay the annual beer and wine liquor license fees imposed under this division.

(Ord. No. 82-4474, § 2(3.15.020), 11-8-82; Ord. No. 84-4567, § 2(3.15.020), 1-9-84; Ord. No. 91-4862, § 1, 2-25-91)

Sec. 13-424. Tax schedule.

The following tax schedule shall be applied to all persons or entities subject to this division:

Tax Schedule
Category by Gross Revenue

	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>
	I 0 to 100,000	II Over 100,000 to 2,000,000	III Over 2,000,000 to 3,000,000	IV Over 3,000,000
<i>Basic Tax:</i>				
General	\$55.00	\$90.00	\$140.00	\$215.00
Home occupation	20.00	20.00	20.00	20.00
<i>Additions to Basic Tax:</i>				
Over 5 full time equivalent employees or independent contractors per employee or contractor	6.00	6.00	6.00	6.00
<i>Additional Fees When Applicable:</i>				
Health inspection	50.00	50.00	50.00	50.00
Health reinspection	50.00	50.00	50.00	50.00
<i>Liquor license fee:</i>				
Beer	200.00	200.00	200.00	200.00
Wine	200.00	200.00	200.00	200.00
All beverages	500.00	500.00	500.00	500.00
<i>Transfers:</i>				
Base fee	20.00	20.00	20.00	20.00
Fire inspection (If required)	15.00	15.00	15.00	15.00
Health inspection (If required)	50.00	50.00	50.00	50.00

(Ord. No. 82-4474, § 2(3.15.040), 11-8-82; Ord. No. 84-4567, § 2(3.15.040), 1-9-84; Ord. No. 85-4675, § 6, 12-2-85; Ord. No. 86-4700, § 2, 6-23-86; Ord. No. 89-4809, § 1, 11-6-89; Ord. No. 94-4962, § 1, 5-23-94)

Sec. 13-425. Receipt.

Upon payment of the tax as provided in this division the taxpayer shall be issued a tax receipt. The tax receipt shall be conspicuously displayed in such a manner that a city official may observe the same upon entering the place of business. If the business being conducted is the type of business that is not normally conducted at one place of business, such as, transient vendors or door-to-door salespersons, the city receipt or a facsimile of the employer's receipt shall be carried on the person and shall be produced and displayed upon request.

(Ord. No. 82-4474, § 2(3.15.050), 11-8-82; Ord. No. 84-4567, § 2(3.15.050), 1-9-84)

Sec. 13-426. Collection.

The city administrator is hereby charged with collection of the taxes imposed by this division.

(Ord. No. 82-4474, § 2(3.15.060), 11-8-82; Ord. No. 84-4567, § 2(3.15.060), 1-9-84)

Sec. 13-427. Questionnaire.

The city administrator shall develop and update as necessary a questionnaire to be completed initially by each person or entity conducting a business, occupation or profession within the city. The questionnaire shall solicit only that information necessary to correctly determine the tax imposed by this division. The city may audit the information provided to verify its accuracy. Any significant change in ownership or form of business, occupation or profession shall require a new completed questionnaire.

(Ord. No. 82-4474, § 2(3.15.070), 11-8-82; Ord. No. 84-4567, § 2(3.15.070), 1-9-84)

Sec. 13-428. Appeal to review committee.

Any person or entity aggrieved by application of this division or imposition of the tax shall pay the tax imposed and may then appeal to the review committee, by filing notice in writing with the city. The notice shall describe in detail the taxpayer's grievance.

(Ord. No. 82-4474, § 2(3.15.080), 11-8-82; Ord. No. 84-4567, § 2(3.15.080), 1-9-84)

Sec. 13-429. Review committee.

There is hereby established a review committee to be designated by the city administrator but shall include representatives from at least the following departments:

- (1) Police
- (2) Fire
- (3) Health
- (4) Finance
- (5) City attorney.

(Ord. No. 82-4474, § 2(3.15.090), 11-8-82; Ord. No. 84-4567, § 2(3.15.090), 1-9-84)

Sec. 13-430. Review.

The review committee shall review the taxpayer's appeal and provide to the taxpayer a decision in writing within thirty (30) days following the date of appeal.

(Ord. No. 82-4474, § 2(3.15.100), 11-8-82; Ord. No. 84-4567, § 2(3.15.100), 1-9-84)

Sec. 13-431. Appeal to city council.

If the taxpayer feels aggrieved by the decision of the review committee, the taxpayer may appeal to the city council by filing written notice with the city clerk not more than ten (10) days after receipt of the written decision of the review committee together with a fee to be prescribed by the city administrator in an amount sufficient to cover the administrative costs of the appeal. The notice shall state the grounds and shall include taxpayer's correct name or designation and correct mailing address. The clerk shall cause the matter to be placed on the council agenda not less than ten (10) days after receipt of notice of appeal. The taxpayer shall be notified in writing by

certified mail, return receipt requested, of the date and time the matter will be considered on the agenda. The taxpayer may appear in person or by counsel at the time and place and be heard.

(Ord. No. 82-4474, § 2(3.15.110), 11-8-82; Ord. No. 84-4567, § 2(3.15.110), 1-9-84)

Sec. 13-432. Regulation.

Every person conducting a business, occupation or profession within the city shall be subject to reasonable inspection and shall abide by and obey all laws and ordinances.

(Ord. No. 82-4474, § 2(3.15.120), 11-8-82; Ord. No. 84-4567, § 2(3.15.120), 1-9-84; Ord. No. 12-5587, § 1, 10-9-12)

Sec. 13-433. Separate sites.

Any business, occupation or profession conducted on more than one (1) site shall pay a separate tax for each separate business or site.

(Ord. No. 82-4474, § 2(3.15.130), 11-8-82; Ord. No. 84-4567, § 2(3.15.130), 1-9-84)

Sec. 13-434. Annual tax.

The tax imposed by this division shall be paid annually on or before the anniversary date of the original payment.

(Ord. No. 82-4474, § 2(3.15.140), 11-8-82; Ord. No. 84-4567, § 2(3.15.140), 1-9-84)

Sec. 13-435. Penalty and interest.

The tax shall be deemed late ten (10) days after the due date and a penalty equal to fifty (50) percent of the tax shall be assessed and collected. In addition to the penalty imposed hereby the unpaid tax shall bear interest from the due date at one (1) percent per month.

(Ord. No. 82-4474, § 2(3.15.150), 11-8-82; Ord. No. 84-4567, § 2(3.15.150), 1-9-84)

Sec. 13-436. Additional penalties.

In addition to all other penalties provided in this division, any person violating the provisions of this division, ~~may be cited for the violation into municipal court as a municipal infraction and shall be subject to civil penalties as specified in section 18-1304. Each day that a violation occurs is a separate offense. shall upon conviction thereof, be punished as provided in section 1-110.~~ This provision is not applicable to regularly licensed attorneys-at-law.

(Ord. No. 82-4474, § 2(3.15.160), 11-8-82; Ord. No. 84-4567, § 2(3.15.160), 1-9-84)

Sec. 13-437. Reserved.

Editor's note(s)—Ord. No. 89-4785, § 1, adopted May 8, 1989 added § 13-437, which provided a business tax exemption for August and September 1989 for persons conducting temporary tourist homes, and which was effective Aug. 20, 1989 and terminated Sept. 16, 1989.

Sec. 13-438. All businesses, occupations, and professions to comply with local, state, and federal law.

- (a) No business tax determination or business license shall be issued for any business, occupation, or profession that violates any provision of city, state, or federal ordinance, regulation, law, or statute. The issuance of a

business tax determination or acceptance of payment by the city does not authorize any business, occupation, or profession to operate in violation of any provision or local, state, or federal ordinance, regulation, law, or statute. Any such business tax or business determination license mistakenly issued by the city shall be deemed void from the date of issuance.

- (b) All existing businesses with current business tax determinations or licenses shall fully comply with this provision within two (2) years of the effective date of this section. Any such businesses, occupation or profession licensed on the effective date of this section but in violation of this section shall be deemed a legal non-conforming use, and shall be permitted to renew such business tax determination or license for a period of two (2) years from the effective date of this section. Two (2) years from the effective date of this section, any prior issued business tax determination or license which violates this section shall be cancelled and deemed void, no matter when issued or renewed.

(Ord. No. 12-5587, § 2, 10-9-12)