

****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.)* 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

COUNCIL CHAMBERS

JANUARY 5, 2026

5:30 P.M.

OATH OF OFFICE - SWEARING IN CEREMONY.

CALL TO ORDER: Mayor Nelson

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. Amendment to Lockwood Water and Sewer Agreement.

-Public Comment

2. Parks, Recreation and Public Lands Fees.

-Public Comment

3. Timing of Traffic Impact Study Submittals.

-Public Comment

4. Council Appointments to Community Boards and/or Committees and Council Subcommittees.

-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

1.

Meeting Date: 01/05/2026

TITLE: Amendment to Lockwood Water and Sewer Agreement

PRESENTED BY: Louis Engels, Water Quality Superintendent

Department: Public Works

Presentation: Yes

Legal Review: Not Applicable

Project Number: N/A

RECOMMENDATION

This is a discussion item and does not require council action at this time.

EXECUTIVE SUMMARY

The Lockwood Water and Sewer District (LWSD) is seeking to amend the agreed-upon wastewater service area to provide service to a commercial property that is directly adjacent to the existing service area. This change in wastewater service area requires City Council approval because the City provides wastewater treatment for the LWSD.

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

Since 2008, the City has had an agreement with the Lockwood Water and Sewer District (LWSD) to discharge to the City's wastewater treatment plant. In 2020, the City approved the first amendment to the agreement to expand wastewater services to the Lockwood Targeted Economic Development District (TEDD). A single parcel of 8.46 acres lies between the original approved service area and the TEDD service area which was approved in 2020. The parcel is therefore surrounded by the approved LWSD service area but not included in this service area. The owner of this parcel is seeking to include their property in the LWSD service area. The agreement has a provision that LWSD cannot expand its service area without the consent of the City. A second amendment to the LWSD has been proposed to include this parcel.

The Billings, Montana City Code (BMCC), Section 26-203, requires that the property at the time of application for sanitary sewer service be contiguous to the boundary of the service area, entirely within the Red area on the Limits of Annexation Map, and entirely within the City's facilities planning area. This section also requires that the applicant complete the annexation requirements outlined in BMCC, Section 26-204. These requirements include annexation or attempt at annexation in order to obtain water or sewer service to a property, although a "waiver of right to protest annexation" may be accepted in lieu of annexation at the City's discretion. However, per BMCC, Section 26-207, City Council can waive the requirements of BMCC, Sections 26-203 and 26-204 by a simple majority vote after holding a public hearing. The City Council is being asked to consider waiving the requirements of BMCC, Sections 26-203 and 26-204 regarding petitions for service and annexation, and approving the amendment to the agreement between LWSD and the City.

FISCAL EFFECTS

The addition of the 8.46 AC parcel is expected to create a small increase to wastewater revenue funds. At this time, the wastewater volume is unknown but will contribute to the overall revenue generated by the LWSD Agreement.

STAKEHOLDERS

ALTERNATIVES

City Council may, at a future regular business meeting:

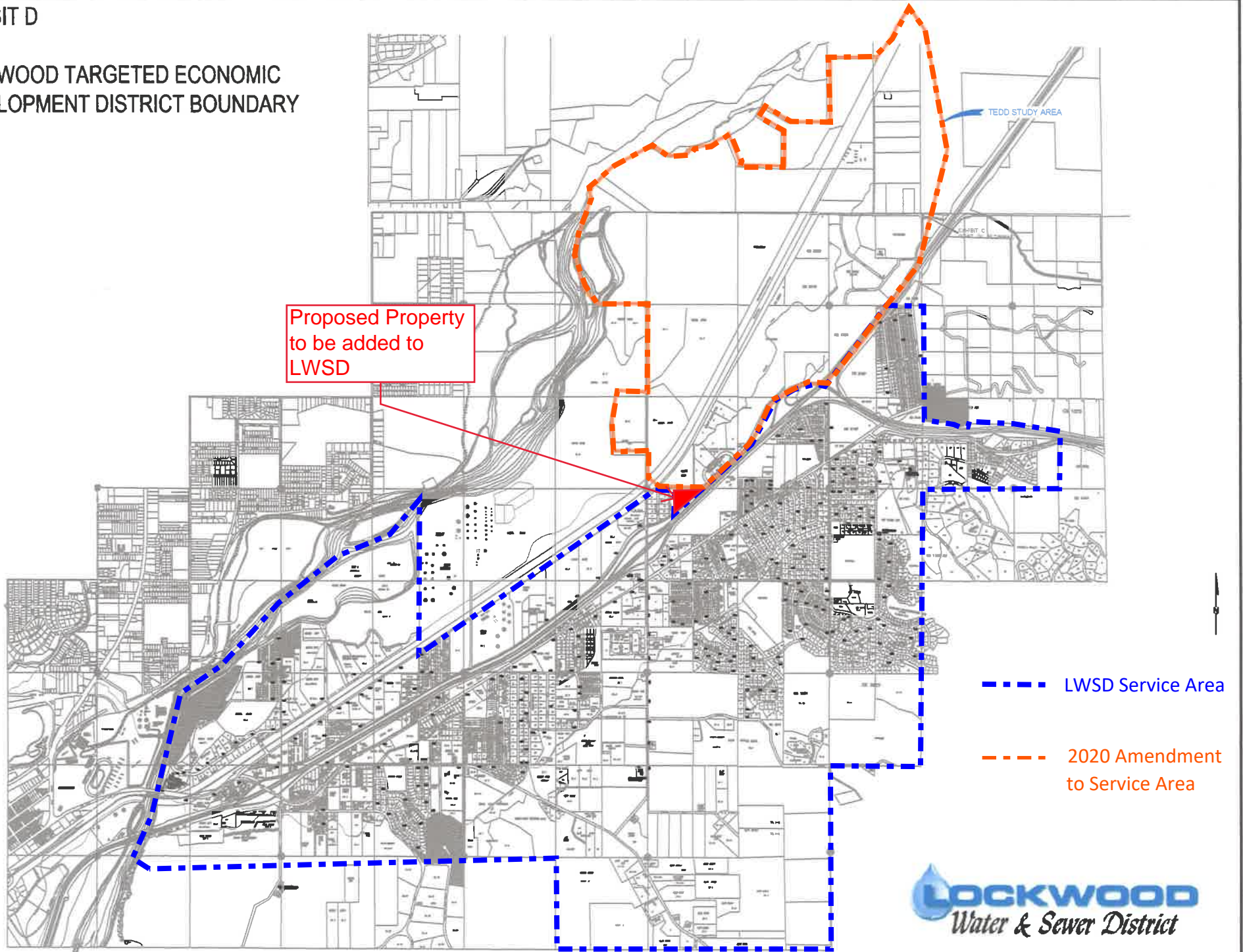
- Grant a waiver to BMCC, Sections 26-203 and 26-204 to provide sanitary sewer service to the aforementioned property without annexation and approve the amendment to the agreement with LWSD contingent on the Lockwood Water and Sewer District Board approving the expansion and amendment to the agreement; or
- Not approve the waiver or the amendment. If not approved, the City and LWSD would not be able to provide sanitary service to the aforementioned property.

Attachments

Service Area Exhibit

EXHIBIT D

LOCKWOOD TARGETED ECONOMIC DEVELOPMENT DISTRICT BOUNDARY



City Council Work Session

Meeting Date: 01/05/2026
TITLE: PRPL Fees Update
PRESENTED BY: Gavin Woltjer
Department: Parks/Rec/Public Lands
Presentation: No
Legal Review: Not Applicable
Project Number: N/A

RECOMMENDATION

PRPL staff recommends Council review the suggested fee increases as presented in consideration of the department's overall strategy to decrease the margin of operating deficits.

EXECUTIVE SUMMARY

As one part of overall fiscal management, PRPL increases fees to offset operating costs. The suggested fee increases presented to Council address this strategy of fiscal management. The last time fees were increased was in 2020. Approving the suggested fee increases as presented begins a new timeline of planned fee increases every three (3) years. A resolution for these suggested increases is scheduled for consideration by City Council at the January 26, 2026, regular business meeting.

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

PRPL has regularly increased fees for park users. However, these increases have not been on a consistent timeline. The last fee increase was in 2020. Before the 2020 Resolution was adopted for fee increases, approved by Council on 13 July 2020, was in Resolution 14-10353 in 2014. Fee increases are necessary to offset maintenance costs associated with park user groups, cover expenses associated with seasonal wages, and subsidize other programs. The attached documents show current fees, proposed fees, and the estimated increase in revenue related to the fees.

FISCAL EFFECTS

The financial impact of the approved suggested fee increases will increase revenue by approximately \$105,975 annually based on usage totals in 2025.

STAKEHOLDERS

City of Billings
Users of PRPL assets, amenities, and services

ALTERNATIVES

Council may approve the suggested fee increases.
Council may modify the suggested fee increases.
Council may deny the suggested fee increases.

Attachments

DRAFT Resolution 2025 PRPL Fee Increases
Fee Increase Comparison to Current 2025
Summary Parks and Recreation Fee Adjustment Impact

RESOLUTION NO. 25-

A RESOLUTION OF THE CITY OF BILLINGS ESTABLISHING NEW FEES TO BE CHARGED BY THE CITY FOR SERVICES PROVIDED BY THE PARKS, RECREATION AND PUBLIC LANDS DEPARTMENT WITHIN THE RECREATION DIVISION, AND ESTABLISHING AN EFFECTIVE DATE. REPEALS RESOLUTION NO. 20-10892

WHEREAS, The City of Billings provides certain services to the public within the Recreation Division through the Department of Parks, Recreation and Public Lands; and

WHEREAS, it is in the best interest of the citizens of the City that the City continue to be able to provide said services in a prudent fiscal manner and that the City Council establish new fee schedules to provide for said services;

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

1. Fees for Recreation Division Aquatic Services The new fees to be charged by the City for Recreation Division aquatic services provided by the Department of Parks, Recreation and Public Lands, are hereby established as set forth below:

DAILY POOL ADMISSION FEES

South Park Pool	Youth 5-17	\$4.00
	Adult 18 & Up	\$6.00
Rose Park Pool	Youth 5-17	\$5.00
	Adult 18 & Up	\$8.00
Ages 4 & Under – FREE (must be accompanied by a paying adult)		

POOL SEASON PASSES (Non-Transferable)

South Park Pool	Youth 7-17 Pass	\$ 40.00
	Adult 18 & Up Pass	\$ 80.00
	Family (Up to 4) Pass	\$120.00
Rose Park Pool	Youth 7-17 Pass	\$100.00
	Adult 18 & Up Pass	\$160.00
	Family (Up to 4) Pass	\$260.00
Family Pass additional members in same household		\$ 30.00
Family Pass for Rose Pool includes a FREE Waterslide Punch Card good for 25 all day wristbands (\$100 value)		

Low Income Individual Pool Pass Choice:
 20-punch pass for Rose OR unlimited season pass for South \$10.00 per child

ROSE PARK POOL WATERSLIDE FEES (In addition to admission fee)

Single Slide	\$ 1.00
All Day Youth (17 & Under)	\$ 5.00
All Day Adult (18 & Up)	\$ 6.00
Youth Waterslide Punch Card (25 punches - \$25 savings)	\$100.00

SWIMMING POOL PRIVATE RENTAL FEES (Lifeguards included, Limited hours available)

Swim Team Pool Rentals	\$125/Day
Rose Pool Rental	\$250/Hour
Rose Waterslide Rental	\$200/Hour
Entire Rose Pool Complex Rental	\$400/Hour
South Park Pool Rental	\$150/Hour

2. Fees for Park Shelter Rentals The new fees to be charged by the City for Park Shelter and Building rentals, are hereby established as set forth below:

Rental Times are from 8:00AM – 10:00PM daily	
All Picnic Shelters	\$125/Day
All Park Buildings with enclosed service space	\$225/Day

3. Fees for Recreation Center Building Rentals The new fees to be charged by the City for Recreation Center Building Rentals are hereby established as set forth below:

North Park Recreation Center - Hourly	\$ 60.00
North Park Recreation Center - ½ Day	\$200.00
North Park Recreation Center - All Day	\$400.00
Zimmerman Recreation Center - Hourly	\$ 50.00
Zimmerman Recreation Center - ½ Day	\$150.00
Zimmerman Recreation Center - All Day	\$300.00
All Rentals – Damage Deposit Required (Refundable)	\$250.00

4. Fees for Portable Community Soundstage Rentals The new fees to be charged by the City for Portable Community Soundstage Rentals are hereby established as set forth below:

Non-Profit Organization Event without Alcohol Served:		
Basic Soundstage Rental	\$400/Day	\$500/2 Days
Sound System Rental (additional)	\$100/Day	\$200/2 Days
For-Profit Business Event and/or Alcohol Served:		
Basic Soundstage Rental	\$600/Day	\$700/2 Days
Sound System Rental (additional)	\$100/Day	\$200/2 Days
Damage Deposit Required (Refundable)		\$250.00

Delay in take down fee – after a 15-minute grace period, event organizer will be charged \$50 per ½ hour until the stage crew can begin take down of stage

5. Fees for the Issuance of Park Alcohol Permits (possession/serving only – no sales) The new fees to be charged by the City for Park Alcohol Permits are hereby established as set forth below:

City Park Alcohol Permits* for possession/serving	\$100/Day
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*Not available at Riverfront or Swords Parks

6. Fees for the Issuance of Park Use Permits for Non-Profit Organizations The new fees to be charged by the City for Park Use Permits are hereby established as set forth below:

General Park Use Permits – less than 100 people (includes non-ballfield reoccurring sports and youth organizations)	\$200.00/per park
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Special Park Use Permits – less than 100 people \$300.00/Day
(General Park Use Permit that also includes inflatable play structure insurance coverage naming the City of Billings as Additional Insured and/or food trucks)

Event Park Use Permits – 100+ people \$500.00/Day
(Events open to the public that require insurance coverage naming the City of Billings as Additional Insured)

Primary User Ballfield Permits \$ 50/field/month
Secondary User Ballfield Permits \$ 40/field/month
Tournament User Ballfield Permits \$100/field/day

7. Miscellaneous fees for services The new fees to be charged by the City for miscellaneous services are hereby established as set forth below:

Non-Resident Fee per Registration or Rental \$15.00

8. Term of Fees Said fees shall take effect January 1, 2026, and continue in full force and effect until changed by the City Council by subsequent resolution.

10. Repealer of Previous Fees Any fees previously established which are inconsistent herewith are hereby repealed.

APPROVED this ____ day of _____, 2025

THE CITY OF BILLINGS

BY: _____
William A. Cole MAYOR

ATTEST:

BY: _____
Denise Bolman CITY CLERK

DAILY POOL ADMISSION FEES

		<u>Current</u>	<u>Proposed</u>
South Park Pool	Youth 5-17	\$3.00	\$4.00
	Adult 18 & up	\$5.00	\$6.00
Rose Park Pool	Youth 5-17	\$4.00	\$5.00
	Adult 18 & up	\$7.00	\$8.00
Scholarship Individual Pool Pass - Choice of 20 punch pass for Rose Park Pool or unlimited season pass for South Pool - \$5.00 per individual pass issued - Proposed \$10.00			

ROSE PARK POOL WATERSLIDE FEES (In addition to admission fee)

Single Slide	\$1.00	\$1.00
All Day Youth (17 & under)	\$4.00	\$5.00
All Day Adult (18 & up)	\$5.00	\$6.00
Waterslide Punch Card (25 punches) For ages 17 & under non-replaceable/non-refundable	\$80.00	\$100.00

POOL SEASON PASSES

South Park Pool	Youth 5-17 Pass	\$35.00	\$40.00
	Adult 18 & Up Pass	\$70.00	\$80.00
	Family Pass	\$90.00	\$120.00
	Add Family Member	\$20.00	\$30.00
	Family Pass includes a Household of 4 members		
Rose Park Pool	Youth 7-17 Pass	\$80.00	\$100.00
	Adult 18 & Up Pass	\$140.00	\$160.00
	Family Pass	\$220.00	\$260.00
	Add Family Member	\$20.00	\$30.00
	Family Pass includes a Household of 4 members		

SWIMMING POOL PRIVATE RENTAL FEES (Limited hours available)

Swim Team Pool Rentals	\$100/Day	\$125.00
Rose Pool Rental	\$200/Hour	\$250.00
Rose Waterslide Rental	\$150/Hour	\$200.00
Entire Rose Pool Complex Rental	\$300/Hour	\$400.00
South Park Pool Rental	\$125/Hour	\$150.00

PARK SHELTER RENTAL FEES

All Picnic Shelters	\$75/Day	\$125.00
All Park Shelters with enclosed service kitchen areas	\$150/Day	\$225.00
All Park Craft Houses	\$150/Day	\$225.00

NEIGHBORHOOD CENTER RENTAL FEES

North Park Recreation Center - Hourly	\$45	\$60.00
North Park Recreation Center - ½ Day	\$150	\$200.00
North Park Recreation Center - All Day	\$300	\$400.00
Zimmerman Recreation Center - Hourly	\$40	\$50.00
Zimmerman Recreation Center - ½ Day	\$125	\$150.00
Zimmerman Recreation Center - All Day	\$250	\$300.00
All Rentals – Damage Deposit Required (Refundable)	\$150	\$250.00

COMMUNITY SOUNDSTAGE RENTAL FEES

Non-Profit Organization Event without Alcohol Served:

Basic Soundstage Rental	\$350/Day	\$450/2 Days	\$400/Day	\$500/2 Days
Sound System Rental	\$75/Day	\$150/2 Days	\$100/Day	\$200/2 Days

For-Profit Business Event and/or Alcohol Served:

Basic Soundstage Rental	\$550/Day	\$650/2 Days	\$600/Day	\$700/2 Days
Sound System Rental	\$75/Day	\$150/2 Days	\$100/Day	\$200/2 Days

ALCOHOL PERMITS

General Permits			\$75.00/Day	\$100.00/Day
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PARK USE PERMITS

General Park Use Permits – less than 100 people (Includes re-occurring use by non-profit sports and youth organizations)			\$150.00/Park	\$200.00/Park
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Special Park Use Permits – less than 100 people (General Park Use Permit that also includes inflatable play structures and/or food trucks)			\$150.00/Day	\$300.00/Day
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Event Park Use Permits – 100+ people (Events open to the public that require insurance coverage)			\$150.00/Day	\$500.00/Day
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Primary User Ballfield Permits	\$75/field/season		\$50.00/field/month	
Secondary User Ballfield Permits	\$50/field/season		\$40.00/field/month	
Tournament User Ballfield Permits	\$50/field/season		\$100.00/field/day	

NON-RESIDENT FEE

Additional Fee Per Activity Registration or Rental			\$10.00	\$15.00
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Summary Parks and Recreation Fee Adjustment Impact

Proposed Fee Adjustments

- Last Increase 2020
- Projections Based on 2025 Totals
- Approved by Resolution

Swimming Pool Fees	\$52,400
Picnic Shelter Rentals	\$11,150
Park Use Permit Fee	\$31,150
Neighborhood Center Rental	\$ 7,775
Alcohol Permits	\$ 2,150
Soundstage	\$ 1,350
Projected Revenue Growth	\$105,975

City Council Work Session

3.

Meeting Date: 01/05/2026

TITLE: Part 1 - Timing of Traffic Impact Study Submittals - Council Member Aspenlieder Council Initiative

PRESENTED BY: Wyeth Friday

Department: Planning & Community Services

Presentation: Yes

Legal Review: No

Project Number: NA

RECOMMENDATION

Staff recommends the Council review the information provided regarding the City Subdivision Regulation requirements for submittal of a Traffic Impact Study (TIS) and provide direction to staff as to whether text amendments are needed in the City Subdivision Regulations to clarify that a TIS is required to be submitted at both the Completeness Review stage and Preliminary Plat stage of Subdivision Application.

EXECUTIVE SUMMARY

On September 26, 2025, Council Member Aspenlieder submitted a City Council Initiative addressing Traffic Impact Study (TIS) requirements within the subdivision review process (See Initiative Form Attached). The initiative has two components: (1) clarifying that a TIS is due at the Preliminary Plat stage rather than at Completeness Review, and (2) discussing the potential creation of a Traffic Impact Fee system to replace current TIS requirements. This Work Session item focuses only on Part 1 of the initiative.

City staff agrees with Council Member Aspenlieder's point that the subdivision regulations correctly identify the Preliminary Plat stage as the point at which a TIS is formally required, as cited in BMCC 23-406(b)(4). However, staff also points out current City Code (BMCC 23-302(2)) and state law (MCA 76-3-604) require all materials--including a draft TIS when applicable--to be submitted at Completeness Review, which occurs approximately one month prior to the Preliminary Plat application. This requirement ensures applications are complete before triggering the statutory 60-day review period during which the City must act on the preliminary plat. This could be likened to applying for and executing a mortgage for a home. While the final documents must all be submitted and present at time of closing, all of the mortgage documents must be drafted and assembled before the closing to ensure that everything is in order before the seller, buyer, bank staff, etc. assemble for the closing. Requiring a draft TIS at Completeness Review provides staff sufficient time to verify basic compliance, coordinate with applicants, and refine the analysis before Planning Board deadlines (See Major Subdivision Preliminary Plat Timeline attached to this memo).

Historical review of subdivision applications demonstrates submission of a TIS at Completeness Review (when applicable) has been standard practice for many years. All City major subdivisions in 2024 and 2025 complied with this requirement, with the exception being two 2025 projects associated with Council Member Aspenlieder's firm. In those cases, City staff allowed *TIS Summaries* while the broader policy question raised by this initiative was being evaluated.

Staff's research of the TIS submittal process concludes the existing requirement to submit an initial TIS at Completeness Review is longstanding, grounded in the current City Subdivision Regulations, and necessary to ensure thorough, timely, and consistent subdivision review.

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

Council Member Aspenlieder submitted a City Council Initiative to the Mayor and City Council on September 26, 2025. The initiative has two parts. Part 1 is to dedicate a brief amount of time at a Work Session to discuss clarifying within the City Subdivision Regulations that a Traffic Impact Study (TIS) is due at the time of Preliminary Plat submittal, and not at the time of Completeness Review, as has been required by the Planning and Engineering divisions. Part 2 of the Initiative is to discuss creation and implementation of a Traffic Impact Fee system replace current development TIS requirements and contributions for traffic impacts. Part 1 is the subject of this Work Session discussion.

It is correct that a TIS is required (when applicable) at the Preliminary Plat Application stage of a subdivision submittal process. This is referenced as Council Member Aspenlieder has noted in BMCC 23-406 b.(4). But it is also correct that a TIS is required to be initially submitted at Completeness Review per BMCC 23-302 (2). This is because a "Complete Application" for a subdivision application must be submitted to the City per the Pre-application Completeness Review requirements outlined in 23-302 - Major Subdivisions one month before the full Preliminary Plat Application is submitted. The requirement for submittal of all the materials at Completeness Review is a foundational

element grounded in the Montana Land Use Planning Statutes (MCA 76--3-604). The purpose is very important as the local government is bound by specific review time constraints after the Preliminary Plat Application is deemed complete and submitted. The "clock" starts at this point and the local government has 60-80 working days (Billings has maintained a 60-day review period) to have the local governing body act on the preliminary plat.

It is important to note BMCC 23-406 B.4. was part of sections amended earlier in 2025 to address when a TIS is required. For some projects that do not meet the 1,000 trips/day or 10 peak hour trip thresholds, a TIS Summary is acceptable. Essentially, every project submits something to address traffic impacts, but the depth of that analysis is dictated by the project's traffic impacts. For the purposes of this initiative, the focus is on Major Subdivision Applications that trigger a full TIS based on the traffic generation thresholds.

To illustrate the thoroughness of the required submittals at Completeness Review, the following is a list of what is required for City Major Subdivisions (this list is referenced in BMCC 23-302 (2), attached to this memo, and may be found here <https://www.billingsmt.gov/2428/Submittal-Requirements>):

- DECLARATION OF SIGNATURE PAGE SIGNED BY OWNER APPLICANT
- DRAFT PRELIMINARY SURVEY/ PLAT
- CLOSURE CALCULATIONS FOR PLAT
- DRAFT FINAL SIA/WAIVER
- WATER/SEPTIC INFORMATION AS OUTLINED IN THE SUBDIVISION REGULATIONS
- TRAFFIC IMPACT STUDY (IF APPLICABLE) (**required based on the vehicle trip generation of the development - smaller projects complete a TIS Summary**)
- DRAFT EASEMENT DOCUMENTS, (AS APPLICABLE)
- EVIDENCE OF LEGAL AND PHYSICAL ACCESS, IF SUBJECT PROPERTY IS NOT SERVED BY PUBLIC ROADS
- ENVIRONMENTAL ASSESSMENT SUMMARY OF PROBABLE IMPACTS (IF APPLICABLE)
- GEOTECHNICAL REPORT. CITY REQUIREMENT
- DETAILED NARRATIVE OF WATER, WASTEWATER, AND STORMWATER FACILITIES
- DRAFT DECLARATION OF RESTRICTIONS ON TRANSFERS AND CONVEYANCES, (IF APPLICABLE)
- DRAFT DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, (CCR), (IF APPLICABLE)
- SUBDIVISION VARIANCE APPLICATION (IF APPLICABLE)
- DRAFT DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, (IF APPLICABLE)
- DRAFT ARTICLES OF INCORPORATION WHEN HOMEOWNER'S ASSOCIATION IS PROPOSED
- A MASTER PLAN OF THE ENTIRE AREA TO BE DEVELOPED WHEN A TRACT OF LAND IS TO BE SUBDIVIDED IN SEPARATE FILINGS

Staff prepared a Major Preliminary Subdivision Timeline of the submittal process attached to this memo for reference. A key takeaway from the timeline is that if staff gets a TIS at Completeness Review, staff has time to see if it even meets basic TIS requirements and is done in a proper format, etc. Then, staff can have the applicant make improvements to it for actual preliminary plat submittal, spend more time with the applicant on it after preliminary submittal, and refine the TIS through the remainder of the process before drafting memos for the Planning Board meeting deadlines. BMCC 23-406 B.4. also calls out a meeting between the applicant and City Traffic Engineering staff at the Pre-Application Meeting stage of an application (prior to the Completeness Review submittal). If this occurs, then staff at Completeness Review is able to verify the main elements of the TIS at Completeness. City Traffic Engineering staff then provides a list of more detailed comments on the TIS at the Department Review Meeting (See attached Timeline), with the goal of having most of the core issues ironed out so the short turn around for the applicant (5 working days after Department Review Meeting) and City staff (about 5 working days after re-submittal following the Department Review Meeting) does not turn into a situation of sorting out major issues with limited time. Having a draft TIS at Completeness Review means maximum time for the City and applicant to get comfortable with the required content and elements of the TIS in the process.

If staff doesn't get a draft TIS at Completeness Review, then staff doesn't know what the applicant is doing with the TIS work, if the TIS format and content is correct, etc. until the actual preliminary plat submittal. Then, staff has to work with the applicant through department review and to the PB memo and meeting deadlines to make sure it meets requirements. Some applicant's do really thorough TIS reports. Some applicant's submit inadequate ones. TIS submittal at Completeness Review ensures consistent and adequate time for staff review, response and coordination with the applicants on traffic impacts generated by the subdivision. As referenced in the attached Major Preliminary Subdivision Timeline, if a TIS is submitted at Completeness Review, City staff has about 35 working days (this does not include the time the applicant has to respond to staff's comments) to work through the TIS content and requirements before memos must be prepared for the Planning Board meetings where the plat application is reviewed and acted on for a recommendation to the City Council.

Staff researched City Subdivision Regulations and the TIS submittal requirement and found it referenced as far back

as 2005 for Major Subdivisions and required materials at Completeness Review. Staff also checked the past few years of Major Subdivision Preliminary Plat submittals in the City. All Major Subdivision submitted to the City in 2024 provided the TIS at Completeness Review. In 2025, all Major Subdivision submitted to the City provided the TIS at Completeness Review, except for the two Council Member Aspenlieder's firm was working on and were the subject of this Council Initiative. TIS Summaries were provided for the two projects that were the subject of this Initiative at Completeness Review. Given the issues around these two projects and Council Member Aspenlieder's challenge to the submittal requirements, staff agreed in the two instances to allow the TIS Summaries as everyone worked through the issues of this Council Initiative.

FISCAL EFFECTS

Amending the City Subdivision Regulations is a lengthy process that requires allocating staff time, review of the proposed amendments by the City-County Planning Board and City Council, and, ultimately, adoption by City Council. If the Council were to direct staff to amend the regulations to further clarify the requirement that an initial TIS be submitted at Completeness Review, staff would propose to address this when additional City Subdivision Regulation Amendments are brought to the Council as part of the Billings2045 Land Use Plan and Future Land Use Map implementation process in mid 2026.

STAKEHOLDERS

The residents of Billings, the development community, and the City are all stakeholders in the Major Subdivision Review Process as designated in City Code following State Law requirements. Specifically, ensuring traffic impacts from new development are consistently addressed and costs for improvements needed due to new development is distributed to the projects creating traffic impacts in the vicinity of the development activity.

ALTERNATIVES

City Council may choose to direct or not direct staff to develop amendments to the City Subdivision Regulations to further clarify the timing of submittal of a TIS when applicable for Major Preliminary Plat Applications.

Attachments

CM Aspenlieder Initiative Email
CM Aspenlieder Initiative Form
Completeness Review Check List
Major Subdivision Plat Timeline

Friday, Wyeth

From: Aspenlieder, Scott
Sent: Friday, September 26, 2025 2:50 PM
To: Council
Cc: Kukulski, Chris; Meling, Debi; Friday, Wyeth; Bohlman, Denise; Keehner, Toni
Subject: Subdivision Regulations Initiative - Traffic Study Submittal and Impact Fees
Attachments: Subdivision Reg Information 9-26-25.pdf; Subdivision TIS Modifications SA Draft 9-26-25.docx

Council

I don't submit for initiatives often and lean into this process lightly but I feel very inclined to put one forward based on how Planning and Engineering are interpreting our Subdivision Regulations as it relates to Traffic Impact Study requirements. So I am submitting the following initiative to be placed on an upcoming agenda for discussion. The Initiative is two-fold with the first part being very easy and just needing Council affirmation on process and timing for Traffic Impact Study submittal (I attached the section of subdivision regulations that clearly states my case but is being applied incorrectly by staff). The second part will admittedly take notable staff time and effort and may require a consultant in developing Traffic Impact Fees for subdivision and development. My intent with that part is to understand what it will take from Staff and determine the best path forward for development of a impact fee structure for traffic with development and get away from the TIS model that we operate under currently. I don't need immediate action but would like Council direction in development of that with Staff's input on timing and effort to complete as we have a discussion about when to tackle it. Thank you for your consideration.

Scott Aspenlieder, PE | City of Billings Councilman Ward 4 |
Email: aspenlieders@billingsmt.gov |

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COUNCIL INITIATIVE PROPOSAL FORM

City Code Sec. 2-214(14). *Council Initiatives.* This section of the agenda is reserved for individual councilmember requests for future legislative or staff action. These shall be limited to giving direction to staff to assist in formulating policies, work plans, etc. for future consideration of the city council. An initiative moves forward by majority vote of the city council.

City Charter Sec. 3.08. *Interference with Administration.* Except for the purposes of inquiries and investigations, the Council, its members and the Mayor shall deal with the City officers and employees who are subject to the direction and supervision of the City Administrator solely through the City Administrator.

COUNCIL MEMBER PROPOSING INITIATIVE: ASPENLIEDER

SHORT NAME OF INITIATIVE: SUBDIVISION & DEVELOPMENT TRAFFIC IMPACT STUDY
REQUIREMENT MODIFICATIONS & IMPACT FEES

TERMS OF MOTION PROPOSING LEGISLATIVE OR STAFF ACTION: (Please be as specific as possible. Indicate if action is to be divided into steps or phases. Use separate sheet if needed.)
I move that we dedicate work session time to discuss clarify within the Subdivision Regulations that a Traffic Impact Study (TIS) is due at the time of Preliminary Plat submittal not at the time of Completeness and Sufficiency Review by Planning and to discuss the implementation of a Traffic Impact Fee system to replace development TIS requirements.

CITY STAFF OR DEPARTMENT POTENTIALLY IMPACTED BY INITIATIVE: Public Works, Planning

HAS COUNCIL MEMBER COMMUNICATED WITH CITY ADMINISTRATOR ABOUT THE INITIATIVE?
YES NO

ESTIMATE OF APPROXIMATE STAFF AND COUNCIL TIME REQUIRED: For clarification of the TIS submittal it should be handled within 30 minutes of a Work Session and if deemed necessary, a consent agenda. I attached Pg 49 of the Subdivision Regulations which clearly states the situation, but it needs affirmation because it is not being implemented properly by Planning/Engineering staff. The creation of a Traffic Impact Fee system will take considerable time within Public Works to set fees and may require outside consultant contracting to help create the structure. This has been discussed several times and PW has indicated that they too would like to do something like this to simplify the TIS process but have not been able to due to time and staffing. Understanding that, I'd like to have a Work Session conversation about how to prioritize this and still leave enough schedule to allow for staff to get it completed with setting an arbitrary schedule.

APPROXIMATE TIMELINE FOR STAFF/DEPARTMENT ACTION:
TIS submittal clarification should take 30 minutes to clarify in a work session. Implementation of a Traffic Impact Fee system will likely take 4-8 months to develop through work between Council and Staff.

COSTS OTHER THAN STAFF TIME, IF ANY: None unless staff requests consultant assistance for development of a Traffic Impact Fee system.

PRIORITY RELATIVE TO EXISTING INITIATIVES (SEE LIST AVAILABLE FROM CITY ADMINISTRATOR): High on TIS submittal clarification due to the undue economic burdens being placed on developers investing in our community. Moderate on Traffic Impact Fee development.

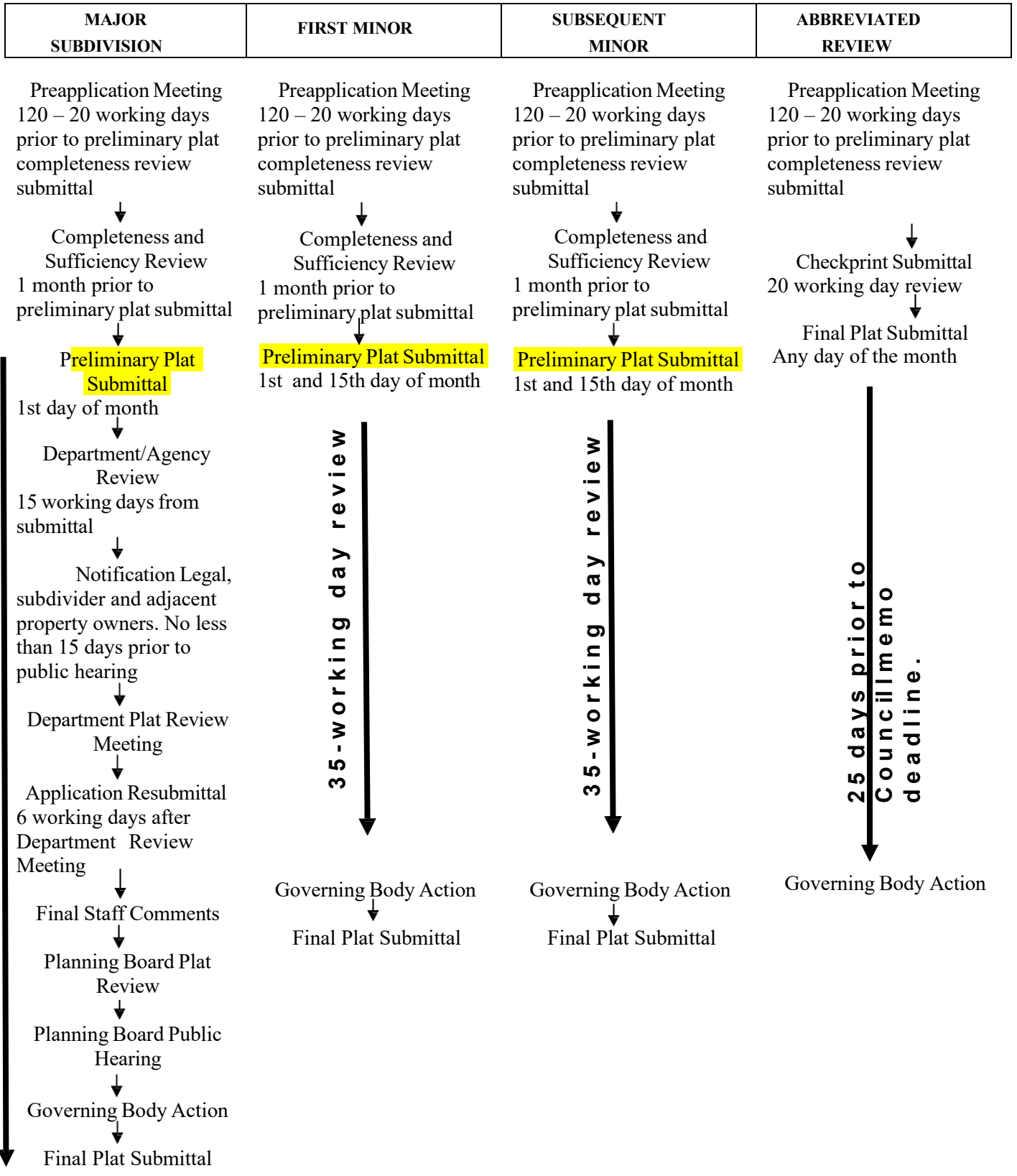
ADDITIONAL INFORMATION OR COMMENTS:

I have attached excerpts from our Subdivision Regulations for clarification on the TIS submittal timelines for your reference that are clear but need to be affirmed by Council.

As it relates to the development of an Impact Fee structure for traffic with subdivision, with also ties to police and fire impact fees that we discussed this year. As our community continues to grow, we continue it becomes increasingly important to get proper funding and impact structures in place to help build out the necessary infrastructure to support it. These things are the easy items to continue kicking down the road, but we only lose by continuing to push them off until we have time to get them done. Without them becoming a priority, we will not fix them, and we will continue to chase the problems with our transportation infrastructure without building a system to offset their costs. I'm more than flexible on time of implementation but do want it put formally on the plate with targets to get started in addressing them so we're not talking about this again next year at rate setting.

Section 23-310.

Flowchart of Subdivision Procedures.



B. Streets and Roads Design and Improvement Standards:

1. General: The design and improvement standards contained in this section shall apply to all construction, reconstruction of streets and roads, public or private, dedicated to the public within the City limits.
2. Improvement Design: All street improvements shall be designed by and constructed under the supervision of a professional Civil Engineer, registered in the State of Montana, and shall meet or exceed the right-of-way and construction standards for the type of street to be constructed found within these regulations, the adopted Transportation Plan, and adopted policies of the City Public Works Department.
3. Plans and Specifications approval: Plans and specifications for all streets shall be provided to and approved by City Engineering. The subdivider shall provide professional engineering services for construction inspections, and post-construction certifications. The plans and specifications shall be approved by the City Engineer prior to initiation of any street improvement construction. In addition, a copy of the road plans and specifications for any emergency access roads shall be reviewed and approved by the City Fire Department prior to construction.
4. Traffic Impact Study: **At the time of preliminary plat submittal**, a traffic impact study shall be prepared and stamped by a Professional Engineer and approved by the City Engineer for any new residential, institutional, commercial or industrial subdivision or development which will generate one thousand (1,000) or more vehicle trips per day or 100 peak-hour trips, as referenced in the Trip Generation Report of the Institute of Transportation Engineers. The Professional Engineer shall certify "that the Traffic Impact Study has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering." The report shall be stamped by a Professional Traffic Operations Engineer for five thousand (5,000) or more vehicle trips per day.

The traffic generation threshold shall apply to any development or cumulative phases of development.

A vehicular trip is defined as a one-way journey of a person in an automobile or a transit vehicle. If the study indicates a need for the installation of traffic signals, intersection improvements, or other off-site street improvements to facilitate traffic flow generated by the entire proposed development, the identified improvement shall be installed or a financial contribution for the subdivision's proportional share shall be made prior to final plat approval of the subdivision, as determined by City Engineering. The financial contribution for proportionate share shall be by cash contribution, traffic system development fee, or traffic impact fee, whichever is in effect at the time of final plat approval. The applicant shall meet and discuss elements of the study with City Engineering to determine the general extents of the study at the time of the pre-application meeting.

**SUBMITTAL REQUIREMENTS CITY OR COUNTY SUBDIVISION
PRELIMINARY 2.0 COMPLETENESS/SUFFICIENCY REVIEW**

APPLICATIONS MUST BE RECEIVED ONE (1) MONTH PRIOR TO THE ACTUAL SUBMITTAL DATE OF A PRELIMINARY PLAT APPLICATION. The Planning Division will determine whether the application is sufficient for review and if the information provided is completed. Staff will contact the subdivider or representative to confirm the review and provide the requirements and submittal timeline for the preliminary plat review.

- **\$\$ PRELIMINARY PLAT REVIEW FEE**
- **\$\$ SUBDIVISION VARIANCE REVIEW FEE (IF APPLICABLE)**
- **COMPLETE CONTACT AND PROPERTY ATTRIBUTE INFORMATION ENTERED IN THE ONLINE (PZX) PROJECT**

PROJECT ATTACHMENTS: (UPLOADED IN PDF FORMAT)

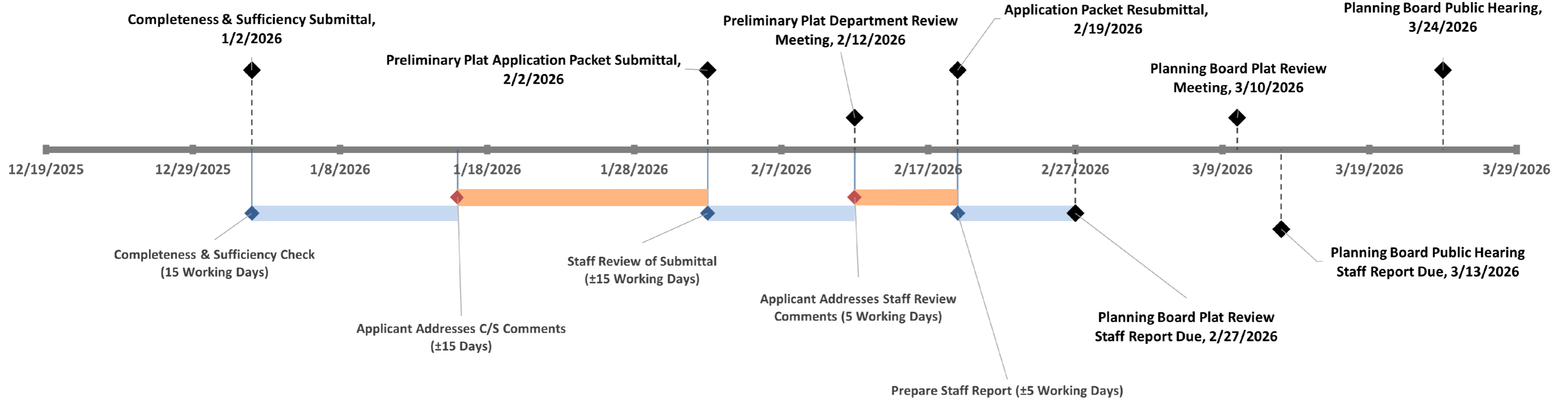
- DECLARATION OF SIGNATURE PAGE SIGNED BY OWNER APPLICANT
- DRAFT PRELIMINARY SURVEY/ PLAT
- CLOSURE CALCULATIONS FOR PLAT (CITY ONLY)
- DRAFT FINAL SIA/WAIVER
- WATER/SEPTIC INFORMATION AS OUTLINED IN THE SUBDIVISION REGULATIONS
- TRAFFIC IMPACT STUDY (IF APPLICABLE)
- DRAFT EASEMENT DOCUMENTS, (AS APPLICABLE)
- EVIDENCE OF LEGAL AND PHYSICAL ACCESS, IF SUBJECT PROPERTY IS NOT SERVED BY PUBLIC ROADS
- ENVIRONMENTAL ASSESSMENT SUMMARY OF PROBABLE IMPACTS (IF APPLICABLE)
- GEOTECHNICAL REPORT. CITY REQUIREMENT. COUNTY IF WARRANTED. SEE 4.4B SUBDIVISION REGULATIONS
- DETAILED NARRATIVE OF WATER, WASTEWATER, AND STORMWATER FACILITIES
- DRAFT DECLARATION OF RESTRICTIONS ON TRANSFERS AND CONVEYANCES, (IF APPLICABLE)
- DRAFT DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, (CCR), (IF APPLICABLE)
- SUBDIVISION VARIANCE APPLICATION (IF APPLICABLE)
- DRAFT DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, (IF APPLICABLE)
- DRAFT ARTICLES OF INCORPORATION WHEN HOMEOWNER'S ASSOCIATION IS PROPOSED.
- A MASTER PLAN OF THE ENTIRE AREA TO BE DEVELOPED WHEN A TRACT OF LAND IS TO BE SUBDIVIDED IN SEPARATE FILINGS
- ORIGINAL, MDEQ APPROVAL LETTER (COUNTY PLATS ONLY)
- WEED MANAGEMENT PLAN (COUNTY PLATS ONLY)

SUBMITTAL REQUIREMENTS 3.0 CITY OR COUNTY PRELIMINARY REVIEW

PROJECT PRELIMINARY ATTACHMENTS: (UPLOADED IN PDF FORMAT)

- PLANNING DEPARTMENT LETTER OF PRELIMINARY SUBMITTAL COMPLETENESS WITH RESPONSES
- RESUBMITTED DRAFT PRELIMINARY SURVEY/PLAT
- RESUBMITTED DRAFT SIA/WAIVER
- MAJOR SUBDIVISION: NAMES AND ADDRESSES OF IMMEDIATELY ADJOINING PROPERTY OWNERS TYPED OR NEATLY PRINTED ON ADDRESS LABELS

Major Subdivision Preliminary Plat Timeline



City Council Work Session**Meeting Date:** 01/05/2026**TITLE:** Council appointments to Boards and/or Committees and Council Subcommittees / Urban Renewal Advisory Committees**PRESENTED BY:** Chris Kukulski, City Administrator**Department:** City Hall Administration**Presentation:** No**Legal Review:** Not Applicable**Project Number:** N/A**RECOMMENDATION**

Discussion on which councilmembers will serve on the following boards (unless otherwise designated) for the next two years (January 2028 expiration), except for the Local Governing Authority, which is a 3-year term (January 2029 expiration).

Community Boards and Commissions:

- Babcock Theater Board
- Big Sky Economic Development Board
- Beartooth Resource Conservation & Development (RC&D)
- Bright N Beautiful
- Community Development Board
- Downtown Billings Partnership (Non-voting)
- Health Services - Local Governing Authority (Mayor and Deputy Mayor)
- Policy Coordinating Committee (Mayor)

Council Subcommittees:

- Legislative and Local Affairs
- Budget and Finance
- Council Operations (Mayor, Deputy Mayor, Deputy Mayor Pro Tempore)

Urban Renewal Advisory Committees:

- SBBURD
- EBURD
- Downtown Billings Urban Renewal District

EXECUTIVE SUMMARY

This work session item provides an opportunity for City Council to discuss and consider upcoming appointments of councilmembers to boards, commissions, council subcommittees, and urban renewal advisory committees for the next term cycle. Most appointments will carry two-year terms expiring in January 2028, with the Local Governing Authority serving a three-year term expiring in January 2029. The discussion is intended to prepare for formal action at the January 12, 2026 regular business meeting. There is no fiscal impact associated with these appointments.

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

The various committees meet as follows:

Big Sky Economic Development Board - Second Thursday of the month in the Zoot Training Room, 2nd Floor 201 N. Broadway @ 7:00 AM

Community Development Board - First Tuesday of the month in the Beartooth Meeting Room, 316 N. 26 St. 5th floor @ 3:00 PM

Policy Coordinating Committee - Third Tuesday of the month in the Council Chambers, 316 N. 26th Street, 5th floor @ 12:00 noon

Beartooth Resource Conservation & Development (Beartooth RC&D) - Third Thursday of odd numbered months various locations meetings @ 1:30 PM

Bright 'N Beautiful - Third Wednesday of month @ Perkins on 27th Street @ 12:00 Noon

Downtown Billings Partnership - (non-voting) Fourth Friday of the month at Big Sky Economic Development, 201 N. Broadway @ 7:30 AM

Babcock Theater Board - As needed

Health Services - Local Governing Authority - (MAYOR AND DEPUTY MAYOR) - As needed

EBURD Advisory Committee - Second Tuesday of the month at BIRD office, 319 N. 14th Street @ 1:15 PM

Downtown Urban Renewal Advisory Committee - Meeting time, day and location TBD

SBBURD Advisory Committee - First Tuesday of the month at the Billings Hotel and Convention Center @ 6:00 PM

Terms for each Board and/or Commission will be two (2) years, beginning in January following the election
Nominations and appointments will be made during the meeting in which the Deputy Mayor Pro Tempore is selected.
Local Governing Authority terms are three (3) years.

Currently, the Council Subcommittees meet as follows:

Legislative and Local Affairs - The committee meets on the 2nd Wednesday of the month in the Rimrock Conference Room, 5th Floor of City Hall, 4:00 - 5:00 PM and more often when the legislature is in session

Budget and Finance - Wednesdays following the first Council Business meeting every month - Rimrock Conference Room, 5th Floor of City Hall, 9:00-11:00 AM.

Council Operations -

Resolution 23-11173 regarding council subcommittees is attached for your review.

FISCAL EFFECTS

There is no financial impact to the City in serving on these boards, commissions and committees.

STAKEHOLDERS

ALTERNATIVES

No decisions need to be made at this time. It will appear on the City Council regular business meeting on January 12, 2026 for final selections.

Attachments

Interlocal Agreement

MOU Billings Laurel Yellowstone County

Councilmember Committee Appointments

Resolution 07-18554

Resolution 23-11173

Resolution 25-11291 - EBURD Advisory Committee

Resolution 25-11292 SBBURD Advisory Committee

Resolution 25-11293 - Downtown Urban Renewal District Advisory Committee

INTERLOCAL AGREEMENT

An Interlocal Agreement (hereafter "AGREEMENT") is hereby entered into, effective as of July 1, 2004, (the "EFFECTIVE DATE"), by and between the following public agencies:

1. Yellowstone County, Montana (hereafter the "COUNTY"), the City of Billings, Montana (hereafter "BILLINGS"), and the City of Laurel, Montana (hereafter "LAUREL"), for the creation of a multi-jurisdictional service district which shall provide health services and health department functions, as fully set forth in Article I, hereafter;

and

2. The Town of Broadview, Montana (hereafter "BROADVIEW"), the COUNTY, BILLINGS and LAUREL, for the creation and administration of an air pollution control program (hereafter the "PROGRAM"), conditioned upon approval of the State of Montana, Board of Environmental Review (hereafter the "BOARD OF REVIEW"), as fully set forth in Article II, hereafter.

Collectively, the COUNTY, BILLINGS, LAUREL and BROADVIEW, may be referred to individually as a "PARTY" and collectively as the "PARTIES."

RECITALS

1. WHEREAS, agreements between local governments may be created by interlocal agreement; and

2. WHEREAS, each PARTY is a "public agency" as defined under the Interlocal Cooperation Act, Mont. Code Ann. §§7-11-101 *et seq.* (hereafter the "INTERLOCAL ACT"); and

3. WHEREAS, the INTERLOCAL ACT permits, and the PARTIES desire, to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage, and thereby to provide services and facilities in a manner and pursuant to forms of government organization that will accord best with geographic, economic,

population, and other factors influencing the needs and development of local communities, and therefore, the PARTIES enter into this AGREEMENT; and

4. WHEREAS, the PARTIES may form multi-jurisdictional service districts to provide a higher level of service than is available through any one particular public agency forming the multi-jurisdictional service district; and

5. WHEREAS, under the INTERLOCAL ACT, the PARTIES may and hereby contract with each other to delegate the performance of certain administrative services, activities, or undertakings to the boards created under this AGREEMENT, including, but not limited to, the hiring of or contracting with professional persons licensed under Mont. Code Ann., Title 37; and

6. WHEREAS, this AGREEMENT outlines the purposes, powers, rights, obligations, and responsibilities of the PARTIES herein and this AGREEMENT has been authorized and approved by the governing body of each PARTY; and

7. WHEREAS, pursuant to the provisions of the INTERLOCAL ACT, any PARTY may appropriate funds for, and may sell, lease, or otherwise give or supply to, the administrative boards created under this AGREEMENT for the purpose of performance of this AGREEMENT and may provide such personnel or services therefore as may be within each PARTY's legal power to furnish; and

8. WHEREAS, on the 16th day of September, 1997, LAUREL adopted a resolution, R97-49, approving an interlocal agreement, a true and correct copy of which is attached hereto as Exhibit "A," (hereafter the "FIRST INTERLOCAL AGREEMENT") and authorized the Mayor and City Clerk of LAUREL to execute the FIRST INTERLOCAL

AGREEMENT, and on the 18th day of December, 2001, the City Council of LAUREL enacted Ordinance Number 001-5, entitled, "AN ORDINANCE APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAUREL, CITY OF BILLINGS, AND YELLOWSTONE COUNTY CREATING A MULTI-JURISDICTIONAL SERVICE DISTRICT NAMED YELLOWSTONE CITY-COUNTY HEALTH DEPARTMENT," approving the FIRST INTERLOCAL AGREEMENT, as required by the provisions of Mont. Code Ann. §7-11-1105(1); and;

9. WHEREAS, on the 14th day of October, 1997, the City Council of BILLINGS (the "COUNCIL") approved the FIRST INTERLOCAL AGREEMENT by COUNCIL action and authorized the Mayor and City Clerk of BILLINGS to execute the FIRST INTERLOCAL AGREEMENT, and on the 11th day of February, 2002, the COUNCIL enacted Ordinance Number 02-5184, entitled, "AN ORDINANCE OF THE CITY OF BILLINGS, MONTANA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF BILLINGS, BE AMENDED BY ADDING A SECTION TO BE NUMBERED, 15-104(a) THROUGH (e); APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAUREL, CITY OF BILLINGS, AND YELLOWSTONE COUNTY CREATING A MULTI-JURISDICTIONAL SERVICE DISTRICT NAMED YELLOWSTONE CITY-COUNTY HEALTH DEPARTMENT," approving the FIRST INTERLOCAL AGREEMENT, as required by the provisions of Mont. Code Ann. §7-11-1105(1); and

10. WHEREAS, the COUNTY adopted a resolution approving the FIRST INTERLOCAL AGREEMENT on October 3, 1997, Resolution No. 97-74, and on August 19, 2003, the COUNTY enacted ORDINANCE NO. 03-101, AN ORDINANCE APPROVING

AMENDMENTS TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAUREL, CITY OF BILLINGS, AND YELLOWSTONE COUNTY CREATING A MULTI-JURISDICTIONAL SERVICE DISTRICT NAMED YELLOWSTONE CITY-COUNTY HEALTH DEPARTMENT, SUPPLEMENTING AND RATIFYING CERTAIN ACTIONS TAKEN IN THE FORMATION OF THE MULTI-JURISDICTIONAL SERVICE DISTRICT, YELLOWSTONE COUNTY RESOLUTION 97-74, approving the FIRST INTERLOCAL AGREEMENT, as required by the provisions of Mont. Code Ann. §7-11-1105(1); and

11. WHEREAS, this AGREEMENT supercedes the FIRST INTERLOCAL AGREEMENT; and

12. WHEREAS, the COUNTY, BILLINGS and LAUREL hereby create, by Article I of this AGREEMENT, a multi-jurisdictional health service district named Yellowstone City-County Health Department (hereinafter "YCCHD"); and

13. WHEREAS, under the provisions of Mont. Code Ann. §7-11-1102(2)(i), YCCHD shall provide health department functions, which are set forth in Title 50, Chapter 2 of the Montana Code Annotated (hereafter "HEALTH DEPARTMENT FUNCTIONS"); and

14. WHEREAS, under the provisions of Mont. Code Ann. §7-11-1102(2)(i), YCCHD shall also provide health services and related services (hereafter "HEALTH SERVICES") as permitted by law; and

15. WHEREAS, under the provisions of Mont. Code Ann. §7-11-1102(2)(h), and the provisions of the Clean Air Act of Montana, Mont. Code Ann. §§75-2-101 *et seq.*, (hereafter the "CLEAN AIR ACT"), the PARTIES further desire and hereby establish an Air Pollution Control Program (the "PROGRAM"), to be administered as a multi-jurisdictional

service district consistent with the provisions of the CLEAN AIR ACT, including approval of the PROGRAM by the BOARD OF REVIEW; and

16. WHEREAS, it is the intent of the PARTIES that by this AGREEMENT the members of the BOARD OF HEALTH, as defined hereafter, and appointed as provided herein, shall constitute the Air Pollution Control Program Board (hereafter "AIR POLLUTION CONTROL BOARD"); and

17. WHEREAS, the provisions of the Mont. Code Ann. §§7-11-1101 *et seq.* and the CLEAN AIR ACT provide that the PARTIES may administer the PROGRAM in cooperation with each other and the PARTIES desire to administer the PROGRAM by entering into this AGREEMENT; and

18. WHEREAS, the PARTIES hereby create the PROGRAM to be administered as provided herein.

AGREEMENT

NOW, THEREFORE, in consideration of the Recitals and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the COUNTY, BILLINGS, LAUREL and BROADVIEW agree as follows:

ARTICLE I.

MULTI-JURISDICTIONAL SERVICE DISTRICT YELLOWSTONE CITY-COUNTY HEALTH DEPARTMENT

1. **Name of Multi-Jurisdictional Service District.** The name of the multi-jurisdictional service district is the Yellowstone City-County Health Department ("YCCHD").
2. **Participants in YCCHD.** The public agencies that participate in the creation and operation of YCCHD are the COUNTY, BILLINGS and LAUREL.

3. **Services Provided.** The services provided by YCCHD include HEALTH DEPARTMENT FUNCTIONS and HEALTH SERVICES.

4. **Boundary of YCCHD.** For the provision of HEALTH DEPARTMENT FUNCTIONS, the boundary of YCCHD shall be the boundary of the COUNTY, as set forth on the map attached hereto as Exhibit "B," and made a part hereof, provided, that YCCHD may contract with other local government units within the State of Montana and the State of Montana for the provision of HEALTH DEPARTMENT FUNCTIONS outside the boundary of the COUNTY, but YCCHD shall allocate no funds from tax levies or appropriations from the COUNTY's general fund for the HEALTH DEPARTMENT FUNCTIONS provided by YCCHD outside the boundary of the COUNTY. For the provision of HEALTH SERVICES, the boundary of YCCHD shall be the boundary of the State of Montana, as set forth on the map attached as Exhibit "C" provided, however, that YCCHD shall allocate no funds from tax levies or appropriations from the COUNTY's general fund for HEALTH SERVICES provided by YCCHD outside the COUNTY.

5. **YCCHD Funding.**

a. **Funding Sources.** YCCHD shall be funded as follows:

i. Through revenues and fees generated by the provision of HEALTH SERVICES;

ii. Through revenues and fees generated by the provision of HEALTH DEPARTMENT FUNCTIONS;

iii. Through charitable gifting and charitable contributions;

iv. Through federal, state, local and private grants, payments and appropriations permitted by law, including but not limited to, COUNTY general fund appropriations and other appropriations from the COUNTY, BILLINGS and LAUREL, as permitted by law;

v. As of the EFFECTIVE DATE, YCCHD is funded through property tax assessments totaling 5.75 mills. Subject to the provisions of Mont. Code Ann. §§15-10-420, and 425, and Mont. Code Ann. §7-11-1112, the maximum property tax mill levy from property taxes the COUNTY may assess for YCCHD shall be no more than a total of 10.00 mills. Notwithstanding the maximum property tax mill levy stated herein, upon a determination that the general fund of the COUNTY is not sufficient to meet the approved budget of YCCHD, the COUNTY may assess additional mills as needed under the provisions of Mont. Code Ann. §50-2-114; and

vi. Through such other payments and appropriations as YCCHD may lawfully receive.

b. COUNTY Determination of Additional Funding. As long as BILLINGS and LAUREL have no obligation for financial contribution to the funding of YCCHD under this Article I, paragraph 5, the COUNTY may increase the funding of YCCHD as it shall determine and approval from BILLINGS or LAUREL to increase funding of YCCHD through an increased mill levy, or otherwise, shall not be required.

c. BILLINGS and LAUREL Funding. BILLINGS and LAUREL may provide such funding for YCCHD as agreed by the COUNTY, BILLINGS and LAUREL.

d. The funding described in this Article I, paragraph 5, is unrelated to the obligations of the COUNTY, BILLINGS and LAUREL to fund the PROGRAM, as provided and described in Article II, paragraph 9.

6. Organization of YCCHD.

a. YCCHD shall be a separate legal entity, administered by the Board of Health (hereafter the "BOARD OF HEALTH").

b. The BOARD OF HEALTH shall be appointed as follows:

i. The BOARD OF HEALTH shall consist of members, hereafter "BOARD MEMBERS," of not less than twelve (12), nor more than fifteen (15). At least two (2) BOARD MEMBERS shall be appointed by the COUNTY; at least two (2) BOARD MEMBERS shall be appointed by the Mayor of BILLINGS with the consent of the COUNCIL; and at least one (1) BOARD MEMBER shall be appointed by the Mayor of LAUREL with the consent of the Laurel City Council. The remaining 7-10 BOARD MEMBER positions shall be filled by the BOARD OF HEALTH.

ii. Selection of the BOARD MEMBERS and their respective terms of appointment shall be as follows:

(1) By the Board of County Commissioners of COUNTY;

(a) One (1) member whose term shall expire December 31, 2005;

(b) One (1) member whose term shall expire December 31, 2006;

(2) By the Mayor of BILLINGS with the consent of the COUNCIL:

(a) One (1) member whose term shall expire December 31, 2005;

(b) One (1) member whose term shall expire December 31, 2006;

(3) By the Mayor of LAUREL with the consent of the LAUREL City Council:

(a) One (1) member whose term shall expire December 31, 2006;

(4) By the BOARD OF HEALTH:

(a) Three (3) members whose terms shall expire December 31, 2004;

(b) Two (2) members whose terms shall expire December 31, 2005;

(c) Two (2) members whose terms shall expire December 31, 2006;

iii. All BOARD MEMBER positions will run for a period of three (3) years.

c. The BOARD OF HEALTH shall adopt bylaws, rules, and regulations for its operation and administration.

7. **Delegation of Authority.** COUNTY, BILLINGS and LAUREL hereby delegate to YCCHD, through the BOARD OF HEALTH, authority for administration of HEALTH DEPARTMENT FUNCTIONS and HEALTH SERVICES.

8. **Chief Executive Officer.** The BOARD OF HEALTH shall appoint a chief executive officer for YCCHD (hereafter "CEO"), who will employ suitable personnel, including professionals licensed under Title 37, Montana Code Annotated, to carry out the purposes of this AGREEMENT. The CEO may also be the Health Officer, as that position is defined in Mont. Code Ann. § 50-2-116, (hereafter "HEALTH OFFICER"). The powers and duties of the HEALTH OFFICER are as specified in Mont. Code Ann. § 50-2-118.

9. **Manner of Acquiring, Holding and Disposing of Property.** YCCHD shall have all of the authority and power granted to it under this AGREEMENT to the extent entitled under Title 50, Chapter 2 and Title 7, Chapter 11 of the Montana Code Annotated, including but not limited to, the following:

a. YCCHD shall seek to cooperate with and, where appropriate, contract in its own right with other state, federal, and private organizations and individuals having mutual interests.

b. YCCHD is authorized to enter into contracts in its own name, including contracts to receive grant monies and enter into contracts for the provision of HEALTH SERVICES, HEALTH DEPARTMENT FUNCTIONS, and other activities not inconsistent with the terms of this AGREEMENT or with the laws of the State of Montana. All revenues from HEALTH SERVICES are to be contracted directly to the BOARD OF HEALTH. YCCHD shall annually establish and maintain a budget, which shall be adopted and approved by the BOARD OF HEALTH.

c. YCCHD, in its name or in the name of the BOARD OF HEALTH, may establish such bank or investment accounts, as it shall deem necessary to fulfill its duties and obligations as described herein.

d. YCCHD is authorized to acquire, receive, hold, and dispose of real and personal property through acquisition, sale, gift, lease, or otherwise, and may hold and own such property in the name of YCCHD or the BOARD OF HEALTH.

e. YCCHD is authorized to sue and be sued.

10. Annual Reporting. YCCHD shall annually render a report of its financial condition and a summary of its activities to the COUNTY, BILLINGS and LAUREL.

11. Cooperation. The COUNTY, BILLINGS and LAUREL agree to cooperate fully with YCCHD, the BOARD OF HEALTH, and the management staff of YCCHD in order to carry out this AGREEMENT, and will make all information and facilities reasonably available as needed for this purpose.

12. Insurance, Claims, Defense.

a. The COUNTY shall defend and shall pay or settle all claims asserted against YCCHD or its officers, BOARD MEMBERS and employees, relating in any way to HEALTH DEPARTMENT FUNCTIONS.

b. YCCHD will obtain appropriate insurance, which covers HEALTH SERVICES activities, including comprehensive liability insurance, naming the COUNTY, BILLINGS and LAUREL as additional insureds. YCCHD shall not be responsible for the defense of, payment or settlement of, claims for:

i. Those matters described in paragraph 12(a) of this Article I;

ii. Those matters and claims which the law mandates legal representation by the Yellowstone County Attorney, including, but not limited to, those matters set forth in Mont. Code Ann. §50-2-115;

iii. Those claims the COUNTY, BILLINGS or LAUREL is, or are obligated by law, to defend, settle or pay; or

iv. Those claims which COUNTY and YCCHD agree the COUNTY will defend, settle or pay.

13. Retirement System Payment and Reporting. YCCHD shall be responsible for reports and payments of retirement system contributions pursuant to Mont. Code Ann. §19-2-506.

14. Termination.

a. Notice of Termination. The COUNTY, BILLINGS or LAUREL may withdraw from this Article I (hereafter, the "WITHDRAWING PARTY"), by giving written notice to the BOARD OF HEALTH of its intention to withdraw from the AGREEMENT. Withdrawal shall only occur on the last day of the fiscal year of the WITHDRAWING PARTY and written notice of withdrawal must be given at least one year prior to the date the WITHDRAWING PARTY shall withdraw. The WITHDRAWING PARTY shall be obligated to fund YCCHD, as provided in Article I, paragraph 5, until it shall have withdrawn.

b. LAUREL's Withdrawal. In the event LAUREL withdraws from this Article I, the BOARD OF HEALTH may by majority vote determine to continue to operate under this AGREEMENT. The BOARD OF HEALTH MEMBER for LAUREL shall abstain from voting to continue to operate under this AGREEMENT. Upon withdrawal, LAUREL shall then have no further right of participation on the BOARD OF HEALTH.

c. BILLINGS Withdrawal. In the event BILLINGS shall withdraw from this Article I, the AGREEMENT shall terminate upon BILLINGS' withdrawal.

d. COUNTY Withdrawal. In the event the COUNTY shall withdraw from this Article I, this AGREEMENT shall terminate upon the COUNTY's withdrawal.

e. BOARD OF HEALTH Termination. In the event the BOARD OF HEALTH shall elect to terminate this AGREEMENT, it shall immediately terminate.

f. Effect of Termination. Upon termination, the assets of YCCHD shall revert to the COUNTY, or to a non-profit entity, qualified as an IRC § 501(c)(3) or similarly qualified entity, as the BOARD OF HEALTH shall determine. Termination of this Article I shall act as a termination of the entire AGREEMENT.

15. Duration. This Article I shall continue until termination as provided in Article I, paragraph 14.

16. **Current Assets and Reserves.** The assets and reserves of YCCHD as of the date of this AGREEMENT shall remain the property of YCCHD.

ARTICLE II.

MULTI-JURISDICTIONAL SERVICE DISTRICT AIR POLLUTION CONTROL BOARD

1. **Creation of Air Pollution Control Program.** The PARTIES hereby create the PROGRAM.

2. **Administration of the PROGRAM.** The AIR POLLUTION CONTROL BOARD shall administer the PROGRAM consistent with the provisions of the CLEAN AIR ACT.

3. **Delegation of Authority.** The PARTIES hereby delegate to the AIR POLLUTION CONTROL BOARD authority to administer the PROGRAM.

4. **Chief Executive Officer.** The AIR POLLUTION CONTROL BOARD shall appoint a chief executive officer for the PROGRAM (hereafter "PROGRAM CEO") who shall employ suitable personnel, including professionals licensed under Title 37, Montana Code Annotated, to carry out the purposes of Article II of this AGREEMENT.

5. **Duties of the AIR POLLUTION CONTROL BOARD.** Subject to the approval from the BOARD OF REVIEW, the AIR POLLUTION CONTROL BOARD shall provide procedures for public notice, public hearing, public comment, and appeal for any proposed new or revised rules, ordinances, or local laws adopted pursuant to this Article II. The procedures must comply with the requirements of the CLEAN AIR ACT.

6. **Authority of the AIR POLLUTION CONTROL BOARD.** Subject to approval from the BOARD OF REVIEW, the AIR POLLUTION CONTROL BOARD may:

a. subject to the provisions of the CLEAN AIR ACT, provide by rule, ordinance, or local law for requirements compatible with, more stringent than, or more extensive than those imposed by Mont. Code Ann. §§75-2-203, 75-2-204, 75-2-211, 75-2-212, 75-2-215, 75-2-217 through 75-2-219, and 75-2-402 and rules adopted under these provisions;

b. provide for the enforcement of requirements established under paragraph 6(a) of this Article II, through COUNTY action, by appropriate administrative and judicial processes; and

c. provide for administrative organization, staff, financial resources, and other resources necessary to effectively and efficiently carry out the PROGRAM; and

d. as part of meeting the requirement in Article II, paragraph 6, administer the permit fee provisions of the CLEAN AIR ACT. The permit fees collected by the PROGRAM shall be deposited in the COUNTY's special revenue fund to be used by the PROGRAM for administration of permitting activities.

7. Emergency Powers. The PROGRAM shall have those emergency powers provided under the CLEAN AIR ACT, as approved by the BOARD OF REVIEW.

8. Boundary. The Boundary of the PROGRAM shall be the COUNTY, except as modified under the provisions of the CLEAN AIR ACT.

9. Funding the PROGRAM. The annual budget of the PROGRAM (the "BUDGET") shall be funded by:

a. federal aid and state aid;

b. permit fees received by the PROGRAM;

c. assessments, fines and penalties, received by the PROGRAM;

d. contractual payments;

e. reserves of the PROGRAM to the extent that such reserves exceed 25%

of the BUDGET; and

f. Funding by the PARTIES - Arbitration. The remainder of the BUDGET shall be funded and paid by the PARTIES in proportion to the services provided to each

PARTY by the PROGRAM (the "ALLOCATION"). The PROGRAM shall submit the BUDGET, the COUNTY shall advance the ALLOCATION, and the PARTIES shall pay the ALLOCATION as follows:

i. Submission and Payment of the BUDGET. On or before March 1 of each year, the PROGRAM CEO, with approval of the PROGRAM BOARD, shall submit the BUDGET to the COUNTY for the upcoming year.

(1) The BUDGET shall include the ALLOCATION, which initially shall be:

- (a) For BILLINGS - 62%
- (b) For LAUREL - 3%
- (c) For the COUNTY - 35%; and
- (d) For BROADVIEW - 0%.

(2) A PARTY's proportionate share of the ALLOCATION may be adjusted annually based upon services provided by the PROGRAM, but shall not increase more or decrease less than 25% from the previous year, unless the increase or decrease is based upon a service level change requested by a PARTY and approved by the PROGRAM BOARD.

(3) The COUNTY shall pay the total ALLOCATION to the PROGRAM as follows:

(a) Upon receipt from the PROGRAM BOARD, the COUNTY shall place the BUDGET on its consent agenda and accept or reject the BUDGET at its next regularly scheduled meeting.

(b) The approved BUDGET shall be available from the COUNTY and paid to the PROGRAM BOARD by July 1 of each year.

ii. Reimbursement. On or before April 1 of each year, the COUNTY shall submit the BUDGET to BILLINGS, LAUREL and BROADVIEW for reimbursement of each PARTY's ALLOCATION, which shall, subject to sub-paragraph (iii) below, be timely approved and reimbursed to the COUNTY.

iii. Arbitration.

(1) If any PARTY shall not have acted on, or shall have rejected all or any portion of, the BUDGET within thirty days of receipt from the COUNTY, (hereafter "REJECTION") a representative of each PARTY shall, within thirty days of REJECTION, meet (hereafter the "JOINT MEETING") and resolve any issue concerning the BUDGET.

(2) If within thirty days of the JOINT MEETING, the PARTIES are unable to resolve every issue pertaining to the BUDGET, then the COUNTY shall immediately submit all unresolved issues to arbitration, pursuant to the provisions of the Uniform Arbitration Act, Mont. Code Ann. §§27-5-111, *et seq.*, to an arbitrator appointed by a majority of the PARTIES, or in lieu of the PARTIES failing to agree on an arbitrator, to an arbitrator appointed by the COUNTY. The PARTIES agree to be bound by the orders and final determination of the arbitrator.

iv. Failure to Fund PROGRAM. If the BUDGET shall not be funded by July 1 of each year, the PROGRAM BOARD shall have no obligation, and may immediately cease, to provide services under the PROGRAM.

10. Manner of Acquiring, Holding and Disposing of Property. The AIR POLLUTION CONTROL BOARD shall have all of the authority and power granted to it under this AGREEMENT and as approved by the BOARD OF REVIEW, including but not limited to the following:

a. The AIR POLLUTION CONTROL BOARD shall seek to cooperate with and, where appropriate, contract in its own right with other state, federal, and private organizations and individuals having mutual interests.

b. The AIR POLLUTION CONTROL BOARD is authorized to enter into contracts in its own name, or in the name of the PROGRAM, including, but not limited to, contracts to receive grant monies and enter into contracts for the provision of the administrative services the PROGRAM may perform by law or as provided herein, as well as other activities not inconsistent with the terms of this AGREEMENT or with the laws of the State of Montana.

c. The AIR POLLUTION CONTROL BOARD, in its name, or in the name of the PROGRAM, may establish such bank or investment accounts, as it shall deem necessary to fulfill its duties and obligations as described herein.

d. The AIR POLLUTION CONTROL BOARD is authorized to acquire, receive, hold, and dispose of real and personal property through acquisition, sale, gift, lease, or otherwise, and may hold and own such property in its name, or in the name of the PROGRAM.

e. The AIR POLLUTION CONTROL BOARD, in its name, or in the name of the PROGRAM, is authorized to sue and be sued.

11. Annual Reporting. The PROGRAM shall annually render a report of its financial condition and a summary of PROGRAM activities to the PARTIES.

12. Cooperation. The PARTIES agree to cooperate fully with the PROGRAM, the AIR POLLUTION CONTROL BOARD, and the management staff of the PROGRAM in order to carry out this AGREEMENT, and will make all information and facilities reasonably available as needed for this purpose.

13. Retirement System Payment and Reporting. YCCHD shall be the party responsible for reports and payments of retirement system contributions pursuant to Mont. Code Ann. §19-2-506.

14. Termination.

a. Termination by a PARTY. The provisions of this Article II shall automatically renew and be binding upon each PARTY for additional one year terms from the EFFECTIVE DATE, until any PARTY shall withdraw from the provisions of this Article II by giving at least one year's notice of such withdrawal, PROVIDED:

i. Withdrawal shall only occur on the last day of the fiscal year of the PARTY intending to withdraw, and written notice of withdrawal must be given at least one year prior to the date the PARTY shall withdraw; and

ii. The PARTY intending to withdraw shall continue to provide funding for the PROGRAM in amounts at least equal to the amount funded by the PARTY in the year notice of the PARTY's intent to terminate its participation was given.

b. Termination by the AIR POLLUTION CONTROL BOARD. The AIR POLLUTION CONTROL BOARD may terminate this Article II at any time if the AIR

POLLUTION CONTROL BOARD reasonably determines there is insufficient funding to implement the PROGRAM or for any other legitimate business reason.

15. **Effect of Termination.** Upon termination, the assets of the PROGRAM shall revert to the COUNTY. Termination of this Article II shall not constitute a termination of any other Article of this AGREEMENT.

16. **Duration.** This Article II shall continue until termination as provided in Article II, paragraph 14.

17. **Claims, Representation and Insurance.** It shall be the duty of the COUNTY to pay, satisfy or resolve by judicial or administrative proceeding, or otherwise, any and all claims asserted against the AIR POLLUTION CONTROL BOARD, the PROGRAM, or the employees of the PROGRAM, acting in the course and scope of their duties, (hereafter "PROGRAM EMPLOYEES"), and to defend any and all claims made against the AIR POLLUTION CONTROL BOARD, the PROGRAM and the PROGRAM EMPLOYEES. The COUNTY may obtain such insurance as the COUNTY deems appropriate to insure against such claims, demands or losses, but such insurance shall not relieve the COUNTY of any obligations of this paragraph.

18. **Boundary.** The boundary of the PROGRAM shall be the COUNTY, as identified in Exhibit "B," unless expanded or modified by the BOARD OF REVIEW, as provided under Mont. Code Ann. §75-2-301(6).

19. **Current Assets and Reserves.** Upon execution of this AGREEMENT, the assets and reserves of the existing air pollution control program shall immediately transfer and be vested in the PROGRAM BOARD.

ARTICLE III.

MISCELLANEOUS

1. **Filing of Agreement.** Upon the execution of this AGREEMENT by the PARTIES, it shall be filed with the Yellowstone County Clerk and Recorder and with the Montana Secretary of State, in accordance with the provisions of Mont. Code Ann. § 7-11-107.
2. **Incorporation of Recitals.** The recitals to this AGREEMENT are incorporated into every section of this AGREEMENT.
3. **Additional Documentation.** Each PARTY agrees to perform any further acts and execute and deliver any documents that may be reasonably necessary to carry out the provisions of this AGREEMENT.
4. **Written Consent.** The provisions of this AGREEMENT may be waived, altered, amended, or repealed, in whole or in part, by written consent of all the PARTIES and the BOARD OF HEALTH, and only upon the written consent of all the PARTIES and the BOARD OF HEALTH. The AGREEMENT may be amended by written modification between the PARTIES without an ordinance approving the amendment, except for those matters described in Mont. Code Ann. §7-11-1106, which require an amendment to each PARTY's ordinance approving the AGREEMENT.
5. **Governing Law.** This AGREEMENT shall be construed in accordance with, and governed by, the laws of the State of Montana.

6. **Execution in Counterparts.** This AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

7. **Superceding Document.** This AGREEMENT shall supersede any previous Interlocal Agreement, or other agreement, establishing YCCHD or the PROGRAM.

8. **Waiver of Breach.** The waiver by any PARTY of a breach or violation of any provision of this AGREEMENT shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or other provisions hereof.

9. **Captions and Construction.** The captions used herein as headings for the various paragraphs are for convenience only, and the PARTIES agree that such captions are not to be construed to be part of this AGREEMENT or to be used in determining or construing the intent or context of this AGREEMENT.

10. **Severability of Provisions.** Should any portion of this AGREEMENT be held unenforceable or inoperative for any reason, such portion of this AGREEMENT shall not affect any other portion of this AGREEMENT, but the remainder shall be as effective as though such ineffective portion had not been contained in this AGREEMENT.

11. **Assignment.** This AGREEMENT shall inure to the benefit of and shall be binding upon the PARTIES. No right or duty under this AGREEMENT, except as set forth in it, may be assigned without the express written consent of all of the PARTIES.

12. **Attorneys' Fees.** In the event of breach of this AGREEMENT, the party at fault shall pay to the other party all costs, including reasonable attorneys' fees, which may be incurred by such other parties in enforcing its rights under this AGREEMENT.

13. Legal Interpretation of AGREEMENT. In the event that any state or federal laws or regulations, now existing or enacted or promulgated after the effective date of this AGREEMENT, are interpreted by judicial decision, regulatory agency, or legal counsel in such a manner as to indicate that the terms of this AGREEMENT may be in violation of such laws or regulations, the PARTIES shall amend or terminate this AGREEMENT as necessary to comply with said laws or regulations to the maximum extent possible any such amendment shall preserve the underlying economic and financial arrangements between the PARTIES.

CITY OF BILLINGS, MONTANA



By: Charles F. Tooley
MAYOR

Date: 5/24/04

ATTEST:

By: Marita Herold
CITY CLERK

CITY OF LAUREL, MONTANA

By: 
MAYOR

Date: 06/01/04

ATTEST:

By: 
CITY CLERK

TOWN OF BROADVIEW, MONTANA

By: *John G. Dangel*
MAYOR

Date: 6-8-04

ATTEST:

By: *Carol Terpstra*
TOWN CLERK

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

By: Bill Kennedy
CHAIRMAN

Date: May 18, 2004

ATTEST:

By: Cathy Lane
COUNTY CLERK AND RECORDER

YELLOWSTONE CITY-COUNTY BOARD OF
HEALTH

By: 
CHAIRMAN

Date: 5/27/04

ATTEST:

By: 
VICE CHAIRMAN

EXHIBIT "A"
FIRST INTERLOCAL AGREEMENT

INTERLOCAL AGREEMENT

DEFINITION OF PUBLIC HEALTH:

Public Health in Montana is defined as an applied science designed to promote individual, community and environmental health by understanding, anticipating and responding to the health-related needs of Montanans in their community. Public health responsibilities and activities are extensive and their contributions are vitally important to the health of Montana's citizens.

PUBLIC HEALTH CORE FUNCTIONS ARE:

1. Assessment of health status, trends, risks and resources.
2. Health promotion.
3. Protection from health risks.
4. Assurances of health service availability and quality.
5. Policy development.
6. Leadership, technical expertise and administration.

WHEREAS, the Board of County Commissioners, Yellowstone County, Montana, created a multijurisdictional health service district named Yellowstone City-County Health Department (hereinafter called YCCHD), pursuant to Section 7-11-1102, MCA, on October 3, 1997;

The following political subdivisions of the State of Montana enter into this Agreement, to be effective January 1, 1998:

- ♦ Yellowstone County, Montana, called County;
 - ♦ City of Billings, Montana, called Billings;
 - ♦ City of Laurel, Montana, called Laurel.
1. The parties propose by this Agreement that the District shall have all authority permitted to be held by local Boards of Health according to Part 1, Chapter 2, of Title 50, of Montana Code Annotated.
 2. Board membership is as follows:
 - a. Existing Board membership will expire December 31, 1997.
 - b. The Bylaws of the Board shall require that the Board membership be of not less than twelve (12) members, nor more than fifteen (15) members, and shall require that at least two (2) Board members shall be appointed by the Board of County Commissioners of Yellowstone County, at least two (2) Board members shall be appointed by the Mayor with consent of the City Council of the City of Billings, Montana, at least one (1) member shall be appointed by the Mayor with consent of the City Council of the City of Laurel, Montana (MCA 50-2-106), and the remaining 7-

10 board positions will be filled by the Board of Health. Initial selection shall be as follows:

- i. By the Board of County Commissioners of Yellowstone County:
 - 1) One (1) members whose term shall expire December 31, 1999
 - 2) One (1) member whose term shall expire December 31, 2000
 - ii. By the Mayor with the consent of the City Council of Billings, Montana
 - 1) One (1) members whose term shall expire December 31, 1999
 - 2) One (1) member whose term shall expire December 31, 2000
 - iii. By the Mayor with the consent of the City Council of Laurel, Montana
 - 1) One (1) member whose term shall expire December 31, 2000
 - iv. By the Board of Health
 - 1) Three (3) members whose term shall expire December 31, 1998
 - 2) Two (2) members whose term shall expire December 31, 1999
 - 3) Two (2) members whose term shall expire December 31, 2000
- c. After the initial staggered appointments, all positions will be for a period of three (3) years.
3. Bylaws of the existing Board of Health shall continue in effect until such time as the Board revises or repeals current by-laws (MCA 50-2-106).
 4. Each party agrees that it hereby delegates authority for administration of the health-related programs under its jurisdiction to the Board. This authority shall include administration of approved budgets, the existing equipment, existing space utilized, and employment of the Executive Director who will employ suitable personnel to carry out the purposes of the District. All assets and liabilities of the current YCCHD shall transfer to the new, multi-jurisdictional health service effective January 1, 1998.
 5. The intent of this Agreement is to integrate all appropriate city and county health activities into the District as of January 1, 1998. Current employees of the YCCHD shall be transferred to the employment of the District as of such date and shall be guaranteed transfer of their existing personal benefits, including annual leave, sick leave and retirement.
 6. The Board of Health shall employ a Health Officer as defined in MCA 50-2-116. The power and duties of the Health Officer are as specified in MCA 50-2-118.
 7. YCCHD shall provide such reasonable and necessary services as are consistent with the purpose of the enabling legislation to the limit of available funds. In discharging such responsibility YCCHD shall seek to cooperate with and, where appropriate, to contract with other state, federal and private organizations having mutual interests. YCCHD is empowered to enter into contracts, including contracts to receive grant monies and contracts for personnel assistance, so far as the same shall be consistent with the purpose of enabling legislation. All YCCHD monies are to be contracted directly to the District governed by the Board of Health.

8. YCCHD shall be funded through federal, state, private funds and the Health Mill through the County mill levy (MCA 50-2-111). The Board of Health will present the budget on County mill dollars each year to the Board of County Commissioners for approval.
9. YCCHD shall annually render a report of its financial condition to the City Councils of Laurel and Billings and the Board of County Commissioners of Yellowstone County, Montana.
10. Each party agrees they will cooperate fully with YCCHD, the Board, and the management staff of YCCHD, in order to carry out this program, and will make all information and facilities available as needed for this purpose.
11. YCCHD will obtain appropriate insurance, which covers all activities within their responsibility including comprehensive liability insurance, which names each political subdivision as an additional insured party.
12. This agreement can be terminated by the unanimous agreement of the participating groups, the County Commissioners of Yellowstone County, the City Council of the City of Billings, Montana, and the City Council of the City of Laurel, Montana.

ATTEST:


COUNTY CLERK & RECORDER

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


CHAIRMAN

ATTEST:


CITY CLERK



CITY OF BILLINGS, MONTANA


MAYOR

ATTEST:


CITY CLERK

CITY OF LAUREL, MONTANA



MAYOR

EXHIBIT "B"
BOUNDARY MAP
HEALTH DEPARTMENT FUNCTIONS
AND
THE AIR POLLUTION CONTROL PROGRAM

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EXHIBIT "C"
BOUNDARY MAP
HEALTH SERVICES

MEMORANDUM OF UNDERSTANDING REGARDING HB121

This Memorandum of Understanding (“Agreement”) is entered into between Yellowstone County (“County”), the City of Billings (“Billings”) and the City of Laurel (“Laurel”) (collectively “the Parties”) for purposes of creating and implementing processes and procedures for complying with requirements set forth by the Montana Legislature in the laws collectively known as House Bill 121 (“HB121”) during the 2021 Legislative session.

WHEREAS, the County, Billings and Laurel are parties to the agreement that creates the multi-jurisdictional service district created to provide health services and health department functions known as the “Interlocal Agreement;”

WHEREAS, by virtue of HB121, the Parties are subject to various rights and responsibilities created by the Interlocal Agreement; and,

WHEREAS, it is the intent of the Parties to comply with HB121 and to set forth as clearly as possible the methods of doing so for each as well as for the Parties collectively;

THEREFORE, this Agreement sets forth the following terms pursuant to which the County, Billings and Laurel shall agree:

1. **Definitions**: This Agreement shall be subject to the following definitions:
 - (a) “Local Governing Body” shall refer to elected officials governing Yellowstone County (Board of County Commissioners), the City of Billings (Billings City Council), and the City of Laurel (Laurel City Council), respectively.
 - (b) “Local Governing Authority” shall refer to a subset of the Local Governing Bodies that is constituted and empowered to provide oversight and approval of certain Health Office and Board of Health recommendations as required under HB121 and as set forth herein.
2. **Composition of and action by the Local Governing Authority**.
 - (a) The Parties agree that, using the proportions described in the Interlocal Agreement, a five-member Local Governing Authority will be created within one (1) month of the effective date of this Agreement. Composition of the Local Governing Authority shall be as follows:
 - o Two (2) members appointed by the Yellowstone County Board of County Commissioners;
 - o Two (2) members appointed by the Billings City Council; and,
 - o One (1) member appointed by the Laurel City Council.
 - (b) The Parties agree that each member of the Local Governing Authority must be currently seated, elected members of the Local Governing Body that appoints them.

- (c) Each Local Governing Body has the sole appointment and removal authority for members of the Local Governing Authority.
- (d) Each appointed member of the local governing authority shall be appointed for a three (3) year term.
- (e) In the event that a Local Governing Body has one or more unfilled position(s) on the Local Governing Authority, then the Local Governing Authority shall continue to operate, subject to the terms of the quorum requirement that follows.
- (f) A quorum of the Local Governing Authority shall be established by the presence of a majority of appointed members at any meeting.
- (g) The Local Governing Authority shall have a chairperson for purposes of meeting management and logistics. The chairperson shall have no special powers or authorities different from or greater than any other member. The chairperson shall rotate each calendar year, starting with a representative of the County, followed by a representative of the City of Billings, and then followed by the representative of the City of Laurel. The rotation cycle shall then repeat.
- (h) The Local Governing Authority shall meet on an as-needed basis and may take action through an in-person meeting or an electronic meeting (e.g., telephone or computer) subject to all open meeting requirements. The chairperson, as part of his/her management and logistics function shall determine the manner of meeting or acting for each time a need for local governing authority discussion or action is required. The chairperson is responsible for ensuring proper public notice is made of any and all meetings of the Local Governing Authority and that minutes are recorded, as necessary.
- (i) So long as a quorum is present, actions of the local governing authority shall be determined by a simple majority vote of those present.

3. Issues Requiring Action by the Local Governing Authority.

- (a) Appointment of a new Health Officer. Upon determining the need for a new Health Officer, the Board of Health shall make its recommendation to the Local Governing Authority, which shall act to approve or disapprove the recommendation after conducting a public meeting. In the event that there is not a Health Officer in place at the time of the recommended appointment, then the person recommended by the Board of Health for appointment may fill the role until such time as the Local Governing Authority acts.
- (b) Approval of new local public health rules. Any proposed new local public health rules shall be developed and vetted by the Health Officer and Board of Health. When the development process is complete, then the Board of Health or Health Officer shall notify the Local Governing Authority that a decision is needed, and a public meeting shall be arranged by the chairperson. The Local Governing Authority will then act to approve or disapprove the proposed local public health rule.

- (c) Approval of revised local public health rules. If the Health Officer and Board of Health determine that an existing rule needs to be modified, then they shall develop and vet the proposed revisions. When the development process is complete, then the Board of Health or Health Officer shall notify the Local Governing Authority that a decision is needed, and a public meeting shall be arranged by the chairperson. The Local Governing Authority will then act to approve or disapprove the proposed local public health rule. In the event that the Local Governing Authority disapproves the proposed revision, then any existing local public health rule shall remain in effect.
- (d) Approval of fees proposed for adoption by the local governing body to administer regulations for the control and disposal of sewage from private and public buildings and facilities.

4. Issues not Subject to Local Governing Authority Approval.

- (a) The Parties wish to clarify that the purpose and scope of this Agreement, and of the Local Governing Authority, is to comply with the terms of HB121. Therefore, it is necessary to explicitly state some, though not all, of the issues that will not be addressed by the Local Governing Authority.
- (b) HB121 states that “(i)t is not a purpose of this chapter to hinder, slow, or remove nonemergency-related powers granted to a local board of health.” [HB121, section 2.] Therefore, the local governing bodies have determined that the following activities and authorities are not subject to approval by the local governing authority:
 - Completion of and action on authorized inspections (e.g., food service inspections, public accommodation inspections, etc.), including issuance or denial of permits or licenses resulting from such inspections.
 - Issuance of quarantine and/or isolation order to individuals consistent with state law and regulations governing the control of communicable diseases.
 - Issuance of public health guidance for matters such as but not limited to emerging infectious diseases, food supply warnings and recalls, water supply warnings and recalls, etc.
 - Time-sensitive actions required to protect the public, such as but not limited to closing an unsanitary restaurant or preventing the sale of a potentially spoiled food after a truck wreck.
 - Approval of fees established under authority of the Board of Health unless otherwise specified in this Agreement.

- 5. **No Creation of Entity, Hold Harmless.** This Agreement does not create any relationship whereby the Parties create any governmental or non-governmental entity outside of the scope described herein. This Agreement shall not be construed to create, either expressly or by implication, the relationship of agency between the County, the City of Billings and/or the City of Laurel in any manner in relation to the subject matter of this Agreement, and none shall be liable for the acts, errors, or omissions of the others entered into, committed or performed with respect to or in the performance of this Agreement. Each party agrees to indemnify and holds the others harmless against any claims arising from the acts, errors or omissions of its employees, appointees or agents.

6. **Legal Compliance.** Each Party agrees to be solely responsible for compliance with all laws, rules and requirements of each entity and agrees to abide by them as part of the Local Governing Authority.
7. **Governing Law, Dispute Resolution, Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Montana. Should a dispute arise regarding the terms of this Agreement, the Parties shall first enter into good faith discussions in an attempt to resolve the dispute. Should the dispute result in litigation, the Parties agree that proper venue lies in the Montana 13th Judicial District Court, Yellowstone County.
8. **Entire Agreement.** This Agreement embodies the entire understanding between the Parties with respect to the specific subject matter hereof, and no prior oral or written representation shall serve to modify or amend this Agreement. This Agreement may not be modified except by action of all three governing bodies.
9. **Termination.** Any Party may terminate this Agreement for any reason when its governing body adopts a resolution for termination, and it serves ninety (90) days advance written notice of the intent to terminate on the other Parties.
10. **Authorized Signatures.** The Parties represent and agree that the persons signing this Agreement have authorization to bind their respective governmental entities to the terms of this Agreement and that this Agreement is not valid and enforceable until all Parties have signed.

ATTEST:

By: Denise B. Bohlman
Billings City Clerk

CITY OF BILLINGS, MONTANA

By: William A. Cole
MAYOR

Date: 12-19-22

ATTEST:

By: Phillip Strecker
CITY CLERK

CITY OF LAUREL, MONTANA

By: Dan Wagner
MAYOR

Date: 12/13/22

ATTEST:

By: _____
CITY CLERK

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

By: John Ostlund

Date: December 27, 2022

ATTEST:

By: Jeff Martin by Teri Peitz
Deputy Clerk & Recorder
COUNTY CLERK AND RECORDER

By: Dennis Altman

Date: December 27, 2022

By: [Signature]

Date: December 27, 2022

Council Member Committees 2026	2 year terms	
Big Sky Economic Development Board		Second Thursday of the month in the Zoot Training Room, 2nd Floor 201 N. Broadway @ 7:00 AM
Community Development Board		First Tuesday of the month in the Beartooth Meeting Room, 316 N. 26 St. 5th floor @ 3:00 PM
Policy Coordinating Committee	Mayor	Third Tuesday of the month in the Council Chambers, 316 N. 26th Street, 5th floor @ 12:00 noon
Beartooth RC & D		Third Thursday of odd numbered months various locations meetings @ 1:30 PM
Bright & Beautiful		Third Wednesday of month @ Perkins on 27th Street @ 12:00 Noon
Downtown Billings Partnership	(non-voting)	Fourth Friday of the month at Big Sky Economic Development, 201 N. Broadway @ 7:30 AM
Babcock Theater Board		As needed
Local Governing Authority	Mayor Deputy Mayor	As needed
EBURD Advisory Committee		Second Tuesday of the month at BIRD office, 319 N. 14th Street @ 1:15 PM
Downtown Urban Renewal Adv. Comm.		Meeting time, day and location TBD
SBBURD Advisory Committee		First Tuesday of the month at the Billings Hotel & Convention Center @ 6:00 PM

Terms for each Board and/or Commission will be two (2) years, beginning in January following the election Nominations and appointments will be made during the meeting in which the Deputy Mayor Pro Tempore is selected.

Local Governing Authority terms are three (3) years.

RESOLUTION NO. 07-18554

A RESOLUTION OF THE BILLINGS MONTANA CITY COUNCIL DESIGNATING A
PRIMARY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE
DOWNTOWN BILLINGS PARTNERSHIP, INC. BOARD OF DIRECTORS

WHEREAS, the Downtown Billings Partnership Inc. is 501(c) non-profit corporation operating within the City of Billings and the State of Montana, and

WHEREAS, the Downtown Billings Partnership Inc.'s purpose is to assist with revitalizing downtown Billings, and

WHEREAS, the City of Billings is an integral partner for financing and guiding downtown revitalization, and

WHEREAS, the Downtown Billings Partnership Inc. bylaws call for the City Council to appoint a City of Billings primary representative and an alternate representative to the Downtown Billings Partnership Inc. Board of Directors.

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Primary member: City Administrator Tina Volek is hereby appointed as the City's primary representative to the Downtown Billings Partnership, Inc. Board of Directors.

Section 2. Alternate member: City Councilmember Nancy Boyer is hereby appointed as the City's alternate representative to the Downtown Billings Partnership, Inc. Board of Directors.

Section 5. Term: Both City representatives shall serve in their respective Board positions until replaced by the Billings City Council.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 29th day of May, 2007.

Attest:

Cari Martin
Cari Martin, City Clerk

THE CITY OF BILLINGS:

BY: Ron Tussing
Ron Tussing, Mayor



RESOLUTION 23-11173

A RESOLUTION ESTABLISHING STANDING COUNCIL COMMITTEES

WHEREAS, the City desires to have a more comprehensive approach to policy making, and

WHEREAS, Billings, Montana City Code Section 2-223 authorizes the city council to create from its number council committees as needed; and

WHEREAS, on September 26, 2022, four standing committees were created to address ongoing areas of Council concern, including Budget and Finance, Legislative, Local Affairs, and Council Operations, and

WHEREAS, these committees have been in effect for approximately a year and Council finds it appropriate to make some modification to the criteria related to the committees and to consolidate the Legislative and Local Affairs committees.

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

1. The following standing Council committees are established:
 - a. Budget & Finance Committee
 - i. Three to five Council Members appointed by the Mayor
 - ii. Scope: This committee focuses on development of the CIP and city budget in conjunction with staff; budget amendment process; debt issuance; and contracts relating to budget and finance items like cost allocation, fee studies, audits, and other professional services.
 - b. Legislative & Local Affairs Committee
 - i. Three to five Council Members appointed by the Mayor
 - ii. Scope:
 - (a) This committee oversees the development of legislative proposals on behalf of the city of Billings; tracks relevant legislative committees, sub-committees, and policy developments; serves as a liaison to Billings-area legislators, and coordinates testimony among the Mayor, Council Members, and City Administrator.
 - (b) This committee focuses on building relationships with other local officials including the Yellowstone County Commission and Billings Public School Board.

- (c) This committee focuses on areas of shared importance among local government bodies, including public safety, emergency planning, education and workforce, economic development, long-term planning, and coordination of state and federal grant requests.
- (d) This committee may focus on federal legislation as the need arises, or when asked to do so by a majority vote of council.
- iii. Outside of the legislative session, the committee is specifically prohibited from expressing a formal city position on any legislation without approval from City Council. During the legislative session the committee is expected to work within the parameters adopted by the full council. This committee is specifically prohibited from expressing a formal city position on any legislation without approval from City Council.

c. Council Operations

- i. Three to five Council members including the Mayor, Deputy Mayor, and Mayor Pro Tempore
 - ii. Scope: this committee oversees general Council operations and logistics, including but not limited to agenda development, Council meeting rules, meeting efficiency, Council member relationships, strategic planning processes, new member orientation, and City Administrator annual review processes.
2. Except for the Council Operations Committee, committee member terms shall be two years.
 3. Each Committee shall select a chair to serve on an annual basis but for no more than two successive years.
 4. The Mayor shall only sit on the Council Operations Committee, but shall be considered an ex officio member of all remaining committees. Council Members are free to attend any committee meeting they wish and may be requested to participate in an advisory role on specific matters within a committee's jurisdiction.
 5. The purpose of these standing committees is for Council to explore policy and finance issues in depth. Committee meetings are open to the public and public comment is taken during the meetings. Minutes will be kept in accordance with all Montana open meeting laws.
 6. No committee is authorized to take binding action on behalf of the City of Billings or speak on behalf of City Council. The sole purpose of the committees is to

provide recommendations to the full Council. Committees may request the City Administrator provide staff support necessary to the work of the committee.

7. At the first meeting in January following each general municipal election, Council Members shall be appointed to the committees and each committee shall hold an organizational meeting within 30 days to review the general rules of the committee, including meeting date, time, and place and make any appropriate changes. The committee shall report any changes to the Council and, in that report, shall indicate whether staff support is requested. Committee rules shall be reviewed annually, and any proposed changes shall be submitted to Council.
8. REPEALER. Resolution 22-11076 is hereby repealed.
9. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 27th day of November, 2023.



CITY OF BILLINGS

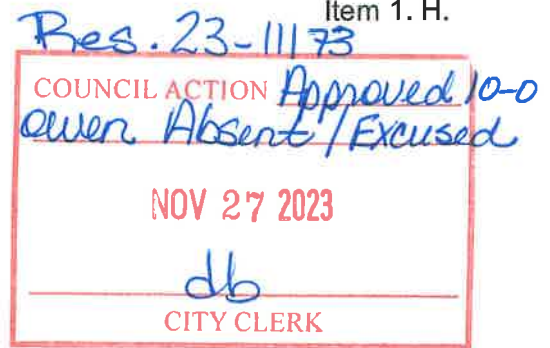
By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise B. Bohlman
Denise R. Bohlman, City Clerk

City Council Regular

Date: 11/27/2023
Title: Resolution modifying Council subcommittees
Presented by: Gina Dahl
Department: Legal
Presentation: No
Legal Review: Yes
Project Number: N/A

**RECOMMENDATION**

Staff recommends Council adopt the resolution establishing Council committees and repealing Resolution 22-11076.

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

In September 2022, Council created four subcommittees: Council Operations, Legislative, Local Affairs, and Budget and Finance. These committees have been meeting and working on their related subject areas for the last year. With some practical experience with these committees, Council discussed the makeup and scope of the committees during a recent work session and found it appropriate to make some changes. As a result, Council has asked staff to present a resolution that combines the Legislative and Local Affairs committees and modifies the resolution to reflect these changes.

The attached resolution addresses the requested modifications and combines the Legislative and Local Affairs committees. Language was added to allow this committee to express opinions regarding legislation during a legislative session, which is a change from the previous resolution. Additionally, the term limits were eliminated to allow for committee members to remain on a committee for more than two consecutive terms. There were no other substantive changes to the resolution.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

Attachments

Resolution

RESOLUTION 23-_____

**A RESOLUTION ESTABLISHING STANDING
COUNCIL COMMITTEES**

WHEREAS, the City desires to have a more comprehensive approach to policy making, and

WHEREAS, Billings, Montana City Code Section 2-223 authorizes the city council to create from its number council committees as needed; and

WHEREAS, on September 26, 2022, four standing committees were created to address ongoing areas of Council concern, including Budget and Finance, Legislative, Local Affairs, and Council Operations, and

WHEREAS, these committees have been in effect for approximately a year and Council finds it appropriate to make some modification to the criteria related to the committees and to consolidate the Legislative and Local Affairs committees.

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

1. The following standing Council committees are established:

a. Budget & Finance Committee

- i. Three to five Council Members appointed by the Mayor
- ii. Scope: This committee focuses on development of the CIP and city budget in conjunction with staff; budget amendment process; debt issuance; and contracts relating to budget and finance items like cost allocation, fee studies, audits, and other professional services.

b. Legislative & Local Affairs Committee

- i. Three to five Council Members appointed by the Mayor
- ii. Scope:
 - (a) This committee oversees the development of legislative proposals on behalf of the city of Billings; tracks relevant legislative committees, sub-committees, and policy developments; serves as a liaison to Billings-area legislators, and coordinates testimony among the Mayor, Council Members, and City Administrator.
 - (b) This committee focuses on building relationships with other local officials including the Yellowstone County Commission and Billings Public School Board.

- (c) This committee focuses on areas of shared importance among local government bodies, including public safety, emergency planning, education and workforce, economic development, long-term planning, and coordination of state and federal grant requests.
 - (d) This committee may focus on federal legislation as the need arises, or when asked to do so by a majority vote of council.
- iii. Outside of the legislative session, the committee is specifically prohibited from expressing a formal city position on any legislation without approval from City Council. During the legislative session the committee is expected to work within the parameters adopted by the full council.

c. Council Operations

- i. Three to five Council members including the Mayor, Deputy Mayor, and Mayor Pro Tempore
 - ii. Scope: this committee oversees general Council operations and logistics, including but not limited to agenda development, Council meeting rules, meeting efficiency, Council member relationships, strategic planning processes, new member orientation, and City Administrator annual review processes.
2. Except for the Council Operations Committee, committee member terms shall be two years.
 3. Each Committee shall select a chair to serve on an annual basis but for no more than two successive years.
 4. The Mayor shall only sit on the Council Operations Committee, but shall be considered an ex officio member of all remaining committees. Council Members are free to attend any committee meeting they wish and may be requested to participate in an advisory role on specific matters within a committee's jurisdiction.
 5. The purpose of these standing committees is for Council to explore policy and finance issues in depth. Committee meetings are open to the public and public comment is taken during the meetings. Minutes will be kept in accordance with all Montana open meeting laws.
 6. No committee is authorized to take binding action on behalf of the City of Billings or speak on behalf of City Council. The sole purpose of the committees is to provide recommendations to the full Council. Committees may request the City Administrator provide staff support necessary to the work of the committee.

7. At the first meeting in January following each general municipal election, Council Members shall be appointed to the committees and each committee shall hold an organizational meeting within 30 days to review the general rules of the committee, including meeting date, time, and place and make any appropriate changes. The committee shall report any changes to the Council and, in that report, shall indicate whether staff support is requested. Committee rules shall be reviewed annually, and any proposed changes shall be submitted to Council.
8. REPEALER. Resolution 22-11076 is hereby repealed.
9. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the _____ day of _____, 2023.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

RESOLUTION 25-11291

A RESOLUTION ESTABLISHING THE EAST BILLINGS URBAN RENEWAL DISTRICT ADVISORY COMMITTEE

WHEREAS, City Council adopted the modified East Billings Urban Renewal Plan (“Plan”), which governs the operation and administration of the East Billings Urban Renewal District (“District”), and modified the District by Ordinance No.15-5652 on April 13, 2015;

WHEREAS, the modified Plan for the District includes a tax increment financing provision;

WHEREAS, the 2025 Montana legislature passed Senate Bill 3 (SB3) requiring any urban renewal district that uses tax increment financing to create an advisory committee to advise the local government about the administration of the urban renewal area;

WHEREAS, SB3 requires that the committee must include at least one representative from each incorporated city or town, county, or school district with boundaries that overlap with the urban renewal district;

WHEREAS, Billings, Montana City Code (BMCC) Section 2-501 provides, “[a]ll boards, committees or commissions shall be governed by this article except as otherwise provided by Charter, this Code, statute or interlocal agreement.”;

WHEREAS, the advisory committee required by SB3 is a permanent advisory committee that is required by state law. Sec. 2-501, BMCC;

WHEREAS, BMCC Article 2-500 sets forth the qualifications, process for appointment, terms of office, rules of procedure for meetings, powers, and supervision of advisory boards except as otherwise provided in state law. Sec. 2-501, BMCC;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, THAT THE EAST BILLINGS URBAN RENEWAL DISTRICT ADVISORY COMMITTEE (“Advisory Committee”) BE CREATED AS FOLLOWS.

Section 1. An Advisory Committee is hereby created whose members will be appointed by the Mayor and confirmed by the City Council.

Section 2. The Advisory Committee shall be comprised of nine (9) voting members qualified as set forth in Sec. 2-501.1, BMCC and shall be comprised as follows:

- a. One (1) representative from the City of Billings;
- b. One (1) representative from Yellowstone County;
- c. One (1) representative from School District 2;

- d. Six (6) at-large members who own, operate, or represent a business, property, or organization in the District or who otherwise have a significant vested interest or presence in the District.

Section 3. In accordance with Sec. 2-505, BMCC, the terms will run on a calendar year basis, except each board member shall serve an inaugural term from the date of appointment by the city council to December 31, 2025. If a board member's term expires before his or her replacement has been appointed, he or she shall holdover until the position has been filled. All appointees after the initial appointments described in the following paragraph shall be appointed for four (4) year terms. The remainder of Sec. 2-505, BMCC, is superseded by state law and terms will not be limited. A vacancy occurring during a term will be filled for the unexpired term in the same manner as other vacancies.

Beginning January 1, 2026, terms of appointees shall initially be staggered as follows:

- a. The City of Billings representative shall have an initial term of three (3) years.
- b. The Yellowstone County representative shall have an initial term of four (4) years.
- c. The School District 2 representative shall have an initial term of four (4) years.
- d. Three representatives listed under (d) of Section 2 shall have an initial term of three (3) years and three shall have an initial term of four (4) years.

The length of each member's initial term listed in subsections (d) shall be established at the first meeting of the committee through a random process by having the members draw straws (or the equivalent) designating either a three-year or four-year term. All subsequent at-large members will be assigned four-year terms.

Section 4. The Advisory Committee shall, within three (3) months of appointment of all members, adopt and follow the policies and procedures for advisory boards, commissions, and committees outlined in Article 2-500. Boards, Commissions and Committee, BMCC, and shall adopt bylaws providing for meeting schedules, officers and their election, and other appropriate conditions for the conduct of its members.

Section 5. The Advisory Committee shall have no assigned powers and shall only serve in an advisory capacity to the City Council. The Advisory Committee shall provide reports and recommendations to City Council related to the implementation of the urban renewal plan and administration of the District in the following areas:

- A. Annual reports and budgets;
- B. Allocation of TIF funds for urban renewal projects;
- C. Amendments to the District's urban renewal plan;
- D. Other matters as directed by City Council related to the District.

Section 6. City Council has final expenditure approval of tax increment financing funds, regardless of whether the Advisory Committee has recommended approval, disapproval, or even reviewed a potential project, cost, or expenditure.

Section 7. City staff shall be allocated to assist with coordination of meetings, objectives, and activities of the Advisory Committee as directed by the City Administrator.

Section 8. This Advisory Committee will be eliminated and this resolution will sunset following the expiration of the District having a tax increment financing provision.

Section 9. This resolution shall be effective upon adoption.

APPROVED AND ADOPTED by the Billings City Council on this 25th day of August, 2025.



CITY OF BILLINGS:

By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

RESOLUTION 25-11292

**A RESOLUTION ESTABLISHING THE SOUTH BILLINGS
BOULEVARD URBAN RENEWAL DISTRICT ADVISORY
COMMITTEE**

WHEREAS, City Council adopted the modified South Billings Boulevard Urban Renewal Plan (“Plan”), which governs the operation and administration of the South Billings Boulevard Urban Renewal District (“District”), and expanded the District by Ordinance No. 21-5765 on July 26, 2021.

WHEREAS, the modified Plan for the District includes a tax increment financing provision.

WHEREAS, the 2025 Montana legislature passed Senate Bill 3 (SB3) requiring any urban renewal district that uses tax increment financing to create an advisory committee to advise the local government about the administration of the urban renewal area.

WHEREAS, SB3 requires that the committee must include at least one representative from each incorporated city or town, county, or school district with boundaries that overlap with the urban renewal district.

WHEREAS, Billings, Montana City Code (BMCC) Section 2-501 provides, “[a]ll boards, committees or commissions shall be governed by this article except as otherwise provided by Charter, this Code, statute or interlocal agreement.”

WHEREAS, the advisory committee required by SB3 is a permanent advisory committee that is required by state law. Sec. 2-501, BMCC.

WHEREAS, BMCC Article 2-500 sets forth the qualifications, process for appointment, terms of office, rules of procedure for meetings, powers, and supervision of advisory boards except as otherwise provided in state law. Sec. 2-501, BMCC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, THAT THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL DISTRICT ADVISORY COMMITTEE (“Advisory Committee”) BE CREATED AS FOLLOWS.

Section 1. An Advisory Committee is hereby created whose members will be appointed by the Mayor and confirmed by the City Council.

Section 2. The Advisory Committee shall be comprised of eleven (11) voting members qualified as set forth in Sec. 2-501.1, BMCC and shall be comprised as follows:

- a. One (1) representative from the City of Billings.
- b. One (1) representative from Yellowstone County.
- c. One (1) representative from School District 2.
- d. One (1) representative from Elysian School District 23.
- e. Seven (7) at-large members who own, operate, or represent a business, property, or organization in the District or who otherwise have a significant vested interest or presence in the District. Two of the at-large members shall be owners or occupants of residential property in the District that is their primary residence.

Section 3. In accordance with Sec. 2-505, BMCC, the terms will run on a calendar year basis, except each board member shall serve an inaugural term from the date of appointment by the city council to December 31, 2025. If a board member's term expires before his or her replacement has been appointed, he or she shall holdover until the position has been filled. All appointees after the initial appointments described in the following paragraph shall be appointed for four (4) year terms. The remainder of Sec. 2-505, BMCC, is superseded by state law and terms will not be limited. A vacancy occurring during a term will be filled for the unexpired term in the same manner as other vacancies.

Beginning January 1, 2026, terms of appointees shall initially be staggered as follows and subsequent appointees shall have terms of four (4) years thereafter:

- a. The City of Billings representative shall have an initial term of three (3) years.
- b. The Yellowstone County representative shall have an initial term of four (4) years.
- c. The School District 2 representative shall have an initial term of four (4) years.
- d. The Elysian School District representative shall have an initial term of three (3) years.
- e. Three representative listed under (e) of Section 2 shall have an initial term of three (3) years and four shall have an initial term of four (4) years.

The length of each member's initial term listed in subsections (e) shall be established at the first meeting of the committee through a random process by having the members draw straws (or the equivalent) designating either a three-year or four-year term. All subsequent at-large members will be assigned four-year terms.

Section 4. The Advisory Committee shall, within three (3) months of appointment of all members, adopt and follow the policies and procedures for advisory boards, commissions, and committees outlined in Article 2-500. Boards, Commissions and Committee, BMCC, and shall adopt bylaws providing for meeting schedules, officers and their election, and other appropriate conditions for the conduct of its members.

Section 5. The Advisory Committee shall have no assigned powers and shall only serve in an advisory capacity to the City Council. The Advisory Committee shall provide reports and recommendations to City Council related to the implementation of the urban renewal plan and administration of the District in the following areas:

- A. Annual reports and budgets;
- B. Allocation of TIF funds for urban renewal projects;
- C. Amendments to the District's urban renewal plan; and
- D. Other matters as directed by City Council related to the District.

Section 6. City Council has final expenditure approval of tax increment financing funds, regardless of whether the Advisory Committee has recommended approval, disapproval, or even reviewed a potential project, cost, or expenditure.

Section 7. City staff shall be allocated to assist with coordination of meetings, objectives, and activities of the Advisory Committee as directed by the City Administrator.

Section 8. This Advisory Committee will be eliminated and this resolution will sunset following the expiration of the District having a tax increment financing provision.

Section 9. This resolution shall be effective upon adoption.

APPROVED AND ADOPTED by the Billings City Council on this 25th day of August, 2025.



CITY OF BILLINGS:

By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

RESOLUTION 25-11293

**A RESOLUTION ESTABLISHING THE EXTENDED
NORTH 27TH STREET URBAN RENEWAL DISTRICT
ADVISORY COMMITTEE**

WHEREAS, City Council adopted the modified Urban Renewal Plan of the Extended North 27th Street District Urban Renewal Area and created the Extended North 27th Street District Urban Renewal Area (“District”) that included a tax increment provision by Ordinance No. 08-5483 on December 8, 2008.

WHEREAS, the 2025 Montana legislature passed Senate Bill 3 (SB3) requiring any urban renewal district that uses tax increment financing to create an advisory committee to advise the local government about the administration of the urban renewal area.

WHEREAS, SB3 requires that the committee must include at least one representative from each incorporated city or town, county, or school district with boundaries that overlap with the urban renewal district.

WHEREAS, Billings, Montana City Code (BMCC) Section 2-501 provides, “[a]ll boards, committees or commissions shall be governed by this article except as otherwise provided by Charter, this Code, statute or interlocal agreement.”

WHEREAS, the advisory committee required by SB3 is a permanent advisory board that is required by state law. Sec. 2-501, BMCC.

WHEREAS, BMCC Article 2-500 sets forth the qualifications, process for appointment, terms of office, rules of procedure for meetings, powers, and supervision of advisory boards except as otherwise provided in state law. Sec. 2-501, BMCC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, THAT THE EXTENDED NORTH 27TH STREET URBAN RENEWAL DISTRICT ADVISORY COMMITTEE (“Advisory Committee”) BE CREATED AS FOLLOWS.

Section 1. An Advisory Committee is hereby created whose members will be appointed by the Mayor and confirmed by the City Council.

Section 2. The Advisory Committee shall be comprised of eleven (11) voting members qualified as set forth in Sec. 2-501.1, BMCC and shall be comprised as follows:

- a. One (1) representative from the City of Billings.
- b. One (1) representative from Yellowstone County.
- c. One (1) representative from School District 2.

- d. One (1) representative of Big Sky Economic Development Authority.
- e. One (1) representative of the Native American Development Corporation.
- f. One (1) representative of Downtown Billings Association, Inc.
- g. One (1) representative of the Business Improvement District #0001.
- h. Four (4) at-large members who own, operate, or represent a business, property, or organization in the District or who otherwise have a significant vested interest or presence, in the District.

Section 3. In accordance with Sec. 2-505, BMCC, the terms will run on a calendar year basis, except each board member shall serve an inaugural term from the date of appointment by the city council to December 31, 2025. If a board member's term expires before his or her replacement has been appointed, he or she shall holdover until the position has been filled. All appointees after the initial appointments described in the following paragraph shall be appointed for four (4) year terms. The remainder of Sec. 2-505, BMCC, is superseded by state law and terms will not be limited. A vacancy occurring during a term will be filled for the unexpired term in the same manner as other vacancies.

Beginning January 1, 2026, terms of appointees shall initially be staggered as follows, and subsequent appointees shall have terms of four (4) years thereafter:

- a. The City of Billings representative shall have an initial term of three (3) years.
- b. The Yellowstone County representative shall have an initial term of four (4) years.
- c. The School District 2 representative shall have an initial term of four (4) years.
- d. The representative of Big Sky Economic Development Authority shall have an initial term of three (3) years.
- e. The representative of the Native American Development Corporation shall have an initial term of four (4) years.
- f. The representative of Downtown Billings Association, Inc. shall have an initial term of three (3) years.
- g. The representative of the Business Improvement District #0001 shall have an initial term of four (4) years.
- h. Two (2) at-large members shall have an initial term of four (4) years and two (2) shall have an initial term of three (3) years.

The length of each member's initial term listed in subsection (h) shall be established at the first meeting of the committee through a random process by having the members draw straws (or the equivalent) designating either a three-year or four-year term. All subsequent at-large members will be assigned four-year terms.

Section 4. The Advisory Committee shall, within three (3) months of appointment of all members, adopt and follow the policies and procedures for advisory boards, commissions, and committees outlined in Article 2-500. Boards, Commissions and Committee, BMCC, and shall adopt bylaws providing for meeting schedules, officers and their election, and other appropriate conditions for the conduct of its members.

Section 5. The Advisory Committee shall have no assigned powers and shall only serve in an advisory capacity to the City Council. The Advisory Committee shall provide reports and recommendations to City Council related to the implementation of the urban renewal plan and administration of the District in the following areas:

- A. Annual reports and budgets;
- B. Allocation of TIF funds for urban renewal projects;
- C. Amendments to the District’s urban renewal plan;
- D. Other matters as directed by City Council related to the District.

Section 6. City Council has final expenditure approval of tax increment financing funds, regardless of whether the Advisory Committee has recommended approval, disapproval, or even reviewed a potential project, cost, or expenditure.

Section 7. City staff shall be allocated to assist with coordination of meetings, objectives, and activities of the Advisory Committee as directed by the City Administrator.

Section 8. This Advisory Committee will be eliminated and this resolution will sunset following the expiration of the District having a tax increment financing provision.

Section 9. This resolution shall be effective upon adoption.

APPROVED AND ADOPTED by the Billings City Council on this 25th day of August, 2025.



CITY OF BILLINGS:

By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk