

Planning & Community Services Department

“Serving Billings, Broadview and Yellowstone County”



510 North Broadway
Parmly Library, 4th Floor
Billings, Montana 59101
Phone: (406) 657-8246
Fax: (406) 657-8327



Thursday, September 30, 2010

Greetings,

Thank you for your interest in the Yellowstone County Board of Planning. The Planning Board represents the City of Billings and Yellowstone County on many planning issues and processes. The Board also functions as the Metropolitan Planning Organization for the Billings Urban Area, providing review and recommendations on transportation project planning and funding for the community.

The Planning Board is involved in many long range planning projects and development reviews for the City and County. The Board reviews subdivision applications and forwards recommendations to the governing bodies for final approval. The Board also reviews updates to the City/County Growth Policy, transportation plans, reviews neighborhood and community plans, and reviews the City-County Planning Division's funding programs and budget processes. Meetings are held on the second and fourth Tuesdays of each month at 6:00 p.m. in the large conference room on the 4th Floor of the Parmly Library, 510 North Broadway, Billings, Montana. The public is encouraged to attend. Agendas and minutes are posted on the City of Billings website at: <http://mt-billings.civicplus.com/Archive.aspx> .

Please see the current Board roster, City and County application forms, the Board's jurisdictional map, the Interlocal Agreement between the City and County for planning services, and the Planning Board ByLaws included with this cover letter. In order to qualify as an applicant for the Board, you must live within the jurisdiction you want to represent. Applications for City Board or Commission positions must be submitted to Wynette Maddox, City Administration Office, City Hall, 219 N 27th Street, Billings, Montana. Applications for County positions must be submitted to Paulette Turner-Byrd, Board of County Commissioners, 217 N 27th Street, Billings, Montana.

Further information may be obtained by contacting the Planning Division office at 247-8610 or by emailing Planning Clerk Tammy Deines at deinest@ci.billings.mt.us .

Thank you for your interest in the Planning Board.

Tamara L. Deines
Planning Clerk
Phone: (406) 247-8610
Email: deinest@ci.billings.mt.us

CITY/COUNTY PLANNING BOARD ROSTER

“Serving Billings, Broadview and Yellowstone County”

City Ward I	Zach Meyers	400 Beverly Hill Blvd Billings, Montana 59101	C: 697-7846 W: 247-3306	zach.mey@riverstonehealth.org	12/31/12
City Ward II	Damian Forrester	1022 Sierra Grande Blvd Billings, Montana 59015	W: 294-2127 C: 697-3282	Damian.forrester@century21.com	12/31/12
City Ward III	Donna Forbes	1116 8 th Street W. Billings, MT 59101	H:259-7715	dmforbes@imt.net	12/31/10
City Ward IV	Susan Gilbertz	850 Delphinium Drive Billings, Montana 59102	W: 657-2183 C: 208-9292	sgilbertz@msubillings.edu	12/31/10
City Ward V	Vacant				12/31/12
BOCC Dist. 1	Paul Gatzemeier	7256 Highway 3 Billings, Montana 59106	H: 245-8542 W: 696-9842	paul.gatzemeier@earthlink.net	12/31/12
BOCC Dist. 2	Dennis Cook	1825 Three Bars Trail Billings, Montana 59105	H:534-1105 C: 698-9103	denniscook@billingshomes4sale.com	12/31/12
BOCC Dist. 3	Lisa Sukut	1291 West M Road Worden, Montana 59088	C: 860-9258 W: 252-9218	architectlisas@yahoo.com	12/31/12
BOCC Dist. 4	Vacant				
BOCC Dist. 5	John Truscott	1238 Chipper Lane Huntley, Montana 59037	H:348-2019 W: 670-7106	jbtntl@aol.com	12/31/11
BOCC Dist. 6	Doug Clark	RR#1, Box 2612 Laurel, MT 59044-9213	H: 656-7393	dmcmtusa@yahoo.com	12/31/11
BOCC Dist. 7 President	Al Littler	4704 Burlington Ave Billings, MT 59106	H: 652-4848 W: 869-2030	littler@wtp.net	12/31/11
YC Conservation District	Clinton McFarland	6530 Popelka Road, Molt, MT 59057	H: (669-3123) C: 860-3123	Not available	12/31/09
YC Supt. Schools	Vacant				12/31/06
S.D. #2	Josh Middleton Scott Anderson	101 10 th Street West Billings, MT 59101	W: 281-5143 Fx: 281-6179	middletonj@billingssschools.org Andersons@billingssschools.org	
Planning Director/ Executive. Sec.	Candi Beaudry	510 N. Broadway 4 th Floor, Parmly Library Billings, MT 59101	W: 657-8249	beaudryc@ci.billings.mt.us	
Planning Clerk	Tammy Deines	510 N. Broadway 4 th Floor, Parmly Library Billings, MT 59101	W: 247-8610	deinest@ci.billings.mt.us	



**REQUEST TO SERVE AS A MEMBER OF A
BOARD/COMMISSION/COMMITTEE FOR THE CITY OF BILLINGS**

BOARD/COMMISSION/COMMITTEE: _____ **DATE:** _____

Thank you for your interest. Citizen volunteers are regularly appointed to various City boards, commissions and committees. Board members must be at least 18, reside within the City limits (for at least the last 2 years), live in Montana (for 3 years), and be a registered voter. Members serve without compensation.

Please complete the following and return it to: Mayor's Office, P. O. Box 1178, Billings, MT 59103.

Name (please print):			
Home Address:		e-mail address:	
Home Phone:	Work Phone:	Cell Phone:	
Occupation:		Employer:	
Would your work schedule conflict with meeting dates?		Yes ____ No ____ (If yes, explain.)	
Education:	High School:		
	College/Vo-Tech/Other:		
Military Service		Branch:	
In which Ward do you reside?			
Special Skills/Talents/Interests/Hobbies:			
PLEASE MARK THE APPROPRIATE BOX BELOW :			
At least 18 years of age? <input type="checkbox"/> Yes <input type="checkbox"/> No		Registered voter? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Resident of Billings for at least the last 2 years? <input type="checkbox"/> Yes <input type="checkbox"/> No		Resident of Montana for at least 3 years? <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF NECESSARY, ATTACH A SEPARATE SHEET OF PAPER FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current community service:			
Previous and current public experience (elective or appointive):			
Membership in other community organizations:			
Have you ever worked for or are you currently working for the City of Billings? ____ If yes, where and during what dates?			
Do you have any relatives working for the City of Billings? ____ If yes, who, which department, and relationship?			
Have you ever served on a City or County Board? ____ Are you currently serving on a Board? ____ If yes, where, what Board, and when did you serve?			

Why are you interested in serving on this Board, Commission or Committee?

Please describe your experience and/or background which you believe qualifies you for service on this Board/Commission/Committee:

Have you ever been convicted of a felony? _____ If yes, describe in full giving dates.

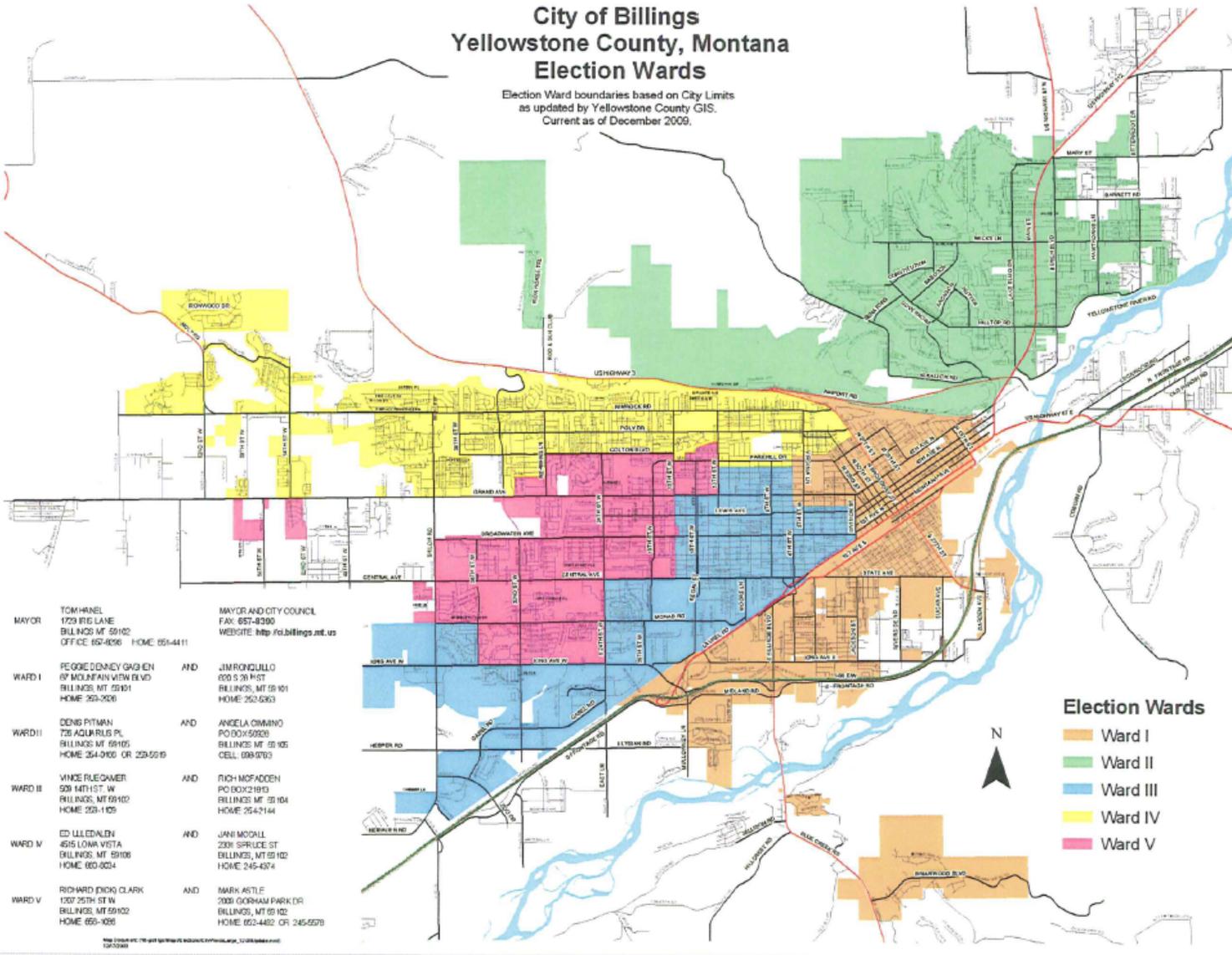
Have you ever been convicted of a crime? _____ Exclude traffic citations only. If yes, describe in full giving dates.
(Criminal convictions are not an absolute bar to appointment, except for some felonies, but will be considered in relation to an appointment.)

Signature:

Date:

City of Billings Yellowstone County, Montana Election Wards

Election Ward boundaries based on City Limits
as updated by Yellowstone County GIS.
Current as of December 2009.



MAYOR	TOM HANEL 1729 IRIG LANE BILLINGS MT 59102 OFFICE: 657-4956 HOME: 654-4411	MAYOR AND CITY COUNCIL FAX: 657-8390 WEBSITE: http://ci.billings.mt.us
WARD I	PEGGIE DANEY GARDEN 67 MOUNTAIN VIEW BLVD BILLINGS, MT 59101 HOME: 252-2060	AND JIM RICKIULLO 620 S 28 N ST BILLINGS, MT 59101 HOME: 252-6263
WARD II	DENIS PITMAN 726 AQUA RUIS PL BILLINGS MT 59105 HOME: 254-9165 OR 259-5219	AND ANGELA ORMINO PO BOX 15920 BILLINGS MT 59105 CELL: 698-0783
WARD III	VINCE RUEGGER 529 14TH ST W BILLINGS, MT 59102 HOME: 253-1125	AND RICH MCFADDEN PO BOX 21910 BILLINGS, MT 59104 HOME: 254-2144
WARD IV	ED LILLEDEN 4615 LOMA VISTA BILLINGS, MT 59106 HOME: 660-6224	AND JANI MCDALL 238 SPRUCE ST BILLINGS, MT 59102 HOME: 245-6374
WARD V	RICHARD ERICK CLARK 1207 25TH ST W BILLINGS, MT 59102 HOME: 656-1086	AND MARK ASTLE 2001 GORHAM PARK DR BILLINGS, MT 59102 HOME: 652-4482 OR 245-6578

Map produced by: 700 10th St, Billings, MT 59102-1000, 406-253-3300
12/22/09

**BOARD APPLICATION FORM
YELLOWSTONE COUNTY, MONTANA**

NAME: _____ **HOME PHONE:** _____

ADDRESS: _____ **WORK PHONE:** _____

CITY: _____ **STATE:** _____ **ZIP:** _____

BUSINESS OR JOB: _____

E-MAIL ADDRESS: _____

BOARD OR COMMISSION APPLIED FOR: _____

Please describe your experience or background that you believe qualifies you for service on this Board or Commission (attach additional sheets if needed):

Why do you wish to serve on this Board or Commission?

Additional information that you feel is pertinent (attach additional sheets if needed):

Signature

Date

**Return application to: Board of County Commissioners
P.O. Box 35000
Billings, MT 59107-5000**

OFFICE USE ONLY:

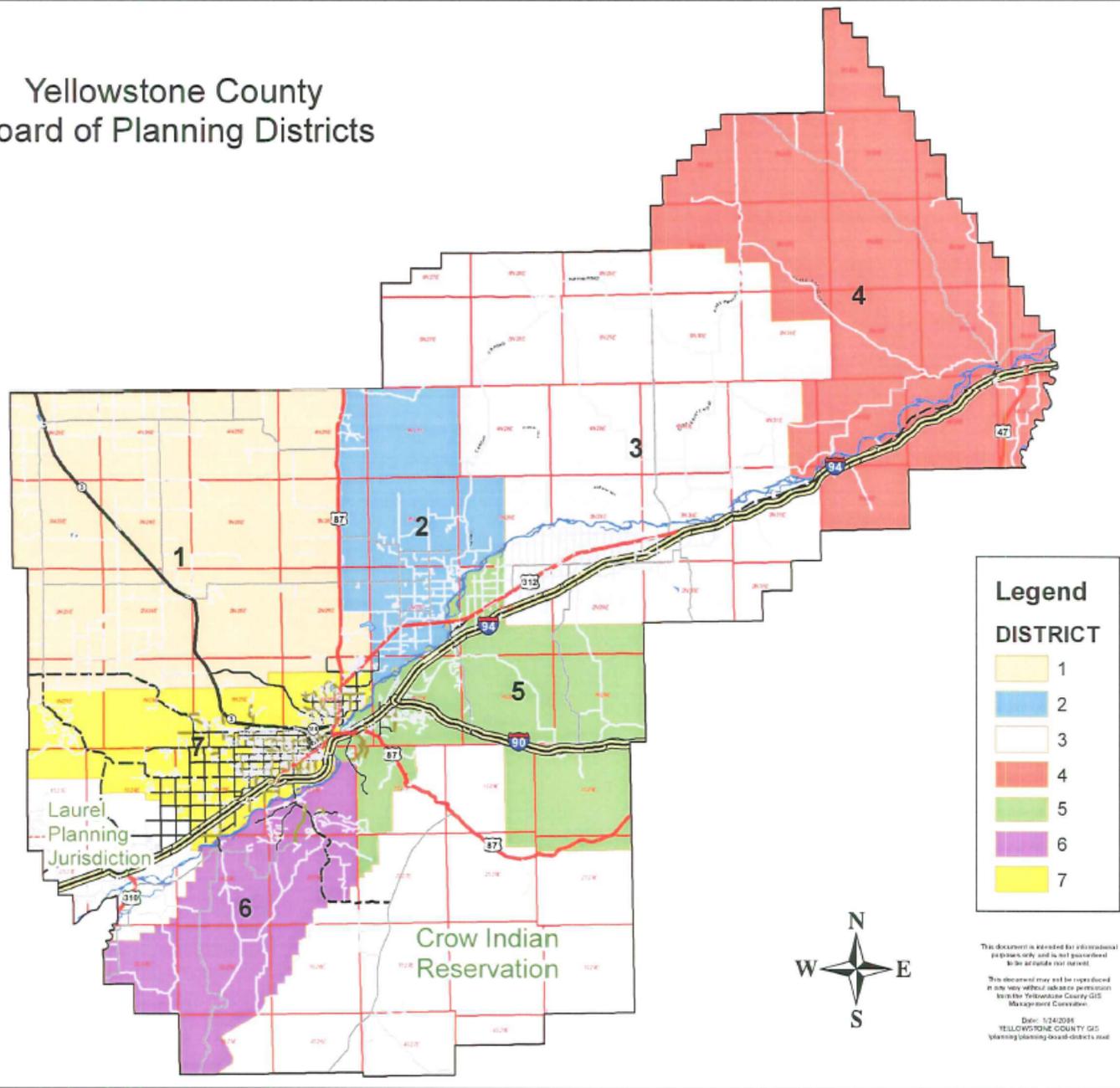
APPOINTED: YES _____ NO _____ **DATE** _____

TERM EXPIRATION DATE: _____

(Circle one)

ORIGINAL APPOINTMENT REAPPOINTMENT TERM NO: _____

Yellowstone County Board of Planning Districts



Legend

DISTRICT

1	2	3	4	5	6	7
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Date: 1/24/2008
YELLOWSTONE COUNTY GIS
Planning Board Districts.mxd

BY-LAWS

YELLOWSTONE COUNTY BOARD OF PLANNING
“Serving Yellowstone County, City of Billings, and Town of Broadview”

Adopted March 12, 1985
Amended September 12, 1989
Amended: June 8, 1993
Amended: February 22, 1994
Amended: February 27, 1996
Amended July 24, 2001
Amended: September 24, 2002
Amended May 25, 2004

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ARTICLE I

NAME AND LOCATION

- Section 1. Name: The name of this Board shall be the Yellowstone County Board of Planning (hereinafter referred to as the Board).
- Section 2. Location: The Board offices are located on the fourth floor of the Parmly Billings Library, 510 North Broadway (N. 29th Street), Billings, Montana.

ARTICLE II

DEFINITION OF TERMS

As used in these by-laws.

1. Board: The Yellowstone County Board of Planning
2. City: Billings and Broadview
3. City Council: The governing bodies of Billings and Broadview
4. County: Yellowstone County, Montana
5. County Commissioners: The governing body of Yellowstone County
6. Town: Broadview
7. Town Council: The governing body of Broadview
8. Master Plan: As defined by Section 76-1-601 Montana Codes Annotated
9. Planning Director: That individual so designated by the County Commissioners and City Of Billings
10. Plat: A subdivision of land into lots, streets, and areas marked upon the earth and represented on paper, and includes re-plats and amended plats.

ARTICLE III

AUTHORITY, POWERS, AND DUTIES

Section 1. Authority:

The Yellowstone County Board of Planning is authorized under Section 76-1-101 through 76-1-104 and 76-1-111 Montana Codes Annotated and the Yellowstone County Agreement on Planning dated December 10, 1984, and as amended on October 24, 1990, October 1, 1995 and as amended in April of 2002.

Section 2. Powers and Duties:

A. Role of the Board:

1. To assure the promotion of public health, safety, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of community development, the planning board shall prepare a Growth Policy master plan and shall serve in an advisory capacity to the local governing bodies establishing the planning board.

2. The Board may also propose policies for:

- a. Subdivision plats;
- b. The development of public ways, public places, public structures, and public and private utilities;
- c. The issuance of improvement location permits on platted and unplatted land;
- d. The laying out and development of public ways and services and to platted and unplatted lands.
- e. Long range plans
- f. Flood plane and floodway area

3. The role of the Board shall be to recommend planning policy to the County, Billings, and Broadview.

4. The Board shall prepare a Growth Policy for the jurisdictional area, as defined in Section 76-1-601 Montana Code Annotated.

5. The Board shall serve as the Metropolitan Planning Organization for the Billings Urban Transportation Study.

6. The Board shall perform other planning related functions as requested by the parties hereto.

- a. Prescribe uniform rules pertaining and hearings
- b. Adopt by-laws, which set forth the Board's policies and procedures.
- c. Recommend an annual work program.
- d. Keep an accurate and complete record of all proceedings.

8. The Board may, from time to time, comment upon plans and planning related policies subject to review or adoption by Federal or State agencies, and/or may recommend that the County and Cities make appropriate comment on the same.

ARTICLE IV

JURISDICTIONAL AREA

Section 1.

The jurisdictional area of the Board will include all the area in Yellowstone County including the incorporated limits of Billings and Broadview but excluding the incorporated limits of Laurel and the existing jurisdictional area surrounding Laurel.

ARTICLE V

OBJECTIVES AND POLICIES

The objectives of the Board as established by State Law, are to enable units of local government within Yellowstone County (except Laurel) to cooperate in promoting the orderly development of those units and their environs by planning for the improvement of the present health, safety, convenience, and welfare of their citizens and the future development of their communities to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with the promotion of the efficient and economical use of public funds.

ARTICLE VI

MEMBERSHIP AND TERMS OF APPOINTMENT

Section 1. Composition.

The Board shall consist of citizen members and may include elected officials.

Section 2. Membership.

The Board shall consist of fifteen (15) members.

Seven (7) members are to be appointed by the County Commissioners – one (1) from each geographical area determined by the County Commissioners.

Five (5) members are to be appointed by the Mayor of Billings from within the city limits of Billings.

One (1) member to be appointed by the County Commissioners from the governing board of a soil conservation district or a state cooperative grazing district.

Two (2) ex-officio non-voting representatives. One from School District #2 and the County Superintendent of Schools.

Section 3. Terms.

Members of the Board shall be appointed to 2-year terms pursuant to Section 76-1-203 MCA.

Section 4. Absences and Removal

A. Each member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered an excused absence.

B. If any Board member accrues three (3) or more consecutive unexcused absences from regular meetings, notice of which has been given at his/her usual place of work or residence, or by announcement at a meeting attended by him/her, the President may call such absences to the attention of the Board which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term.

Section 5. Vacancies.

Vacancies occurring on the Board shall be filled by the governing body having appointed them for the unexpired term.

ARTICLE VII

BOARD OFFICER, TERMS, AND DUTIES

Section 1. Officers.

The officers of the Board shall consist of a President, Vice President, and Executive Secretary.

Section 2. Election of Officers

The President and Vice President shall be elected by a majority of the Board members present and voting at the first regular scheduled meeting in January. The terms of office of the President and Vice President shall commence on February 1.

Section 3. Board President

The President shall preside over all regular and special meetings of the Board and may vote in the case of a tie or to create a tie. The President shall also sign such documents and communications of behalf of the Board, as the Board may authorize and are of such a nature as to require the signature of the President. The President may in absence delegate such responsibility to the Vice President. The President shall have the authority to appoint in ARTICLE IX Committees. The President shall be an "ex-officio" member of all committees except the nominating committee, and shall retain voting rights on these committees, and shall be counted as a member for purposes of comprising a quorum.

Section 4. Board Vice President

The Vice President, in the absence of the President, shall preside over any regular or special meeting of the Board and at the direction of the President, sign such documents and communications on behalf of the Board, as the Board may have authorized the President to sign.

Section 5. Office Vacancy

If the office of the President becomes vacant, then the Vice President shall fill the unexpired term. On assuming this office, the President shall appoint a nominating committee to present their nominations for Vice President.

Section 6. Officer Absences

If the President and Vice President are absent from any regular meeting, the Executive Secretary shall call the meeting to order and a quorum of members shall elect a temporary chairperson for the meeting.

Section 7. Removal of Officers

If the Board votes no confidence in an office, a motion to remove said officer shall be brought before the Board at its next meeting. Should the motion pass, a new officer shall be elected to serve the remainder of the term of office.

Section 8 Terms of Office.

All officers shall serve a term of one (1) year. Any officer may serve for successive terms.

Section 9 The Director of Planning

The Director of Planning shall function as Executive Secretary (Appendix B), whose duties may include:

- A. Keeping true and correct copies of the minutes of all regular and special board meetings, and the minutes of any committee meetings.
- B. Administering the affairs of the Board in accordance with adopted Board policies and policies of the County.
- C. Recommending policies, ordinances, or resolutions, which may be necessary to accomplish the objectives of the Board and implement the goals of the Growth Policy.
- D. Representing the Board before any other board, commission or committee, or citizen's organization.
- E. Preparing in the name of the Board correspondence, official notices, and agendas.
- F. Signing all plats and affixing the official seal of the board thereon only after such plat has been approved in accordance with the requirements of the Subdivision Regulations, adopted policies and procedures of the Board and only after all requirements have been satisfied.
- G. Reporting at the Board's request the progress and status of any program or project for which the Board has responsibility and changes in State or Federal guidelines, which may affect any of the Board's programs, or status.
- H. Preparing an annual report, this shall include a summary of the Board's activities during the previous year.

ARTICLE VIII

MEETINGS, QUORUMS, AND PROCEDURES

Section 1. Regular Meetings

Regular meeting of the Board shall be held on the second and fourth Tuesday of each month at 6:00 p.m. in the conference room of the fourth floor of the Parmly Billings Library or in such other place and time as shall be advertised in a conspicuous location in the South lobby of the Parmly Library on the day of the regular meeting. Regular meetings of the Board and its committees are open to the public and testimony or correspondence may be received from any citizen at any public meeting. Regular and special meetings shall be recorded and all records shall be available for public inspection during normal business hours at the Planning Office on the fourth floor of the Parmly Billings Library.

Section 2. Quorums

- A. A majority of voting members shall constitute a quorum.
- B. No action of the Board is official, however, unless authorized by a majority of voting members in attendance of the Board at a regular or properly called special meeting. Official action can only be conducted when there is a quorum present at any meeting.

Section 3. Special Meetings

Special meetings of the Board may be called by the President or by any two members upon request to the Executive Secretary three (3) working days prior to the date of the special meeting. The Executive Secretary shall then notify all members of the special meeting and the topic(s) to be considered.

Section 4 Agendas

The agenda for a regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting. To take formal action on an item brought before the Board under Unscheduled Business the item must be placed on the agenda by motion and majority vote of the members present. Agendas and copies of the minutes of all regular meetings shall be mailed to each member of the Board no later than the Friday preceding the meeting date. In addition, copies will be forwarded to the following: Mayor and City Council of Billings and Broadview, the City of Billings Administrator, chairman and members of the Board of County Commissioners, City of Billings Public Works Department, Community Development, Parks and Recreation, Public Lands, Public Utilities, the County Land Surveyor, Environmental Health, the news media and such other City, County, State or Federal Departments that may have an interest in any matter before the Board.

Section 5. Public Hearings

The Board shall cause to be published a Notice of Public Hearing containing the date, time, location, and purpose pursuant to statutory requirements in a newspaper of general circulation for

each hearing held by the Board. At the beginning of each meeting the public shall be given the opportunity to address the Board on any item that is not on the current agenda.

A. Public Hearings for Subdivisions

1. When a preliminary plat application is set for a public hearing pursuant to a public notice, the matter shall be heard even though no one in favor or in opposition to the application appears at the hearing, unless the Board has received a written request from the subdivider, twenty-four (24) hours prior to the public hearing, to continue such hearing at a later time due to good and sufficient reason, or to withdraw or to postpone the application for reason approved by the Board.

2. Each person who speaks at the public hearing shall stand and furnish his/her name and address to the Board and shall thereby become a part of the record.

3. Each preliminary plat application shall be heard in the following order:

a. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendations of staff and department heads.

b. The applicant, or his representative, shall present the application to the Board, and summarize the proposed subdivision and, if applicable, the following criteria of public interests:

1. Effects on Agriculture
2. Effects on Local Services.
3. Effects on Natural Environment.
4. Effects on Wildlife Habitat and Wildlife.
5. Effects on Public Health and Safety.
6. Effects on Agricultural Users Facilities.

c. Persons in favor or opposed to the application shall be heard or written comments received up and until the time of the close of the public hearing.

B. Other Public Hearings

1. All other public hearings shall be conducted in accordance with the following procedure unless the Board determines by a majority vote to follow some different procedure:

a. The Board shall first hear a report on the subject item from the Planning Department staff, which report may include a recommendation as to the action to be taken by the Board.

b. The Board shall then hear and/or receive written or oral statements from the public in the following order:

1. Proponents of the proposal.
2. Opponents of the proposal.
3. Members of the public who, being neither proponents nor opponents of the proposal wish to make a general statement or comment regarding the same.
4. The Board shall then hear any brief rebuttal to previous comments, testimony, or statements.
5. The Board shall then hear any brief final comments, statements, or recommendations, if any, from the Planning Department staff.
6. Any person wishing to speak a second time may do so only during the proper course of the proceedings, only after all persons wishing to speak have been heard, and only with the permission of the President or the approval of the majority of the Board members.

2. Prior to hearing and/or receiving oral statements, comments, or testimony from the public, the Board may, by majority vote, impose reasonable and prudent limitations on the time allotted for each person's oral statement, comments, or testimony.

3. The Board or any member thereof, may at any time question any person about his/her statements, comments, or testimony.

4. After hearing any and all statements, comments, and testimony as above provided, the President shall close the public testimony portion of the hearing. After closure, and after such discussion as may be appropriate, the Board may vote upon a recommendation for the item under consideration.

5. Subject to any time constraints imposed by law, the Board may, at any stage of a public hearing or proceeding, continue the same to a later date in order to allow or facilitate full public participation, to obtain additional information, to properly consider or deliberate any matter, or for any other lawful reason. In the case of such continuance, the time and place of all further proceedings in regard thereto shall be immediately fixed and announced to the Planning Department staff and the public, in which case no further legal notice of the hearing need be given.

C. Informal Hearings

The Board, by majority vote, may follow some other procedures for the conduct of hearings.

Section 6 Quarterly Meetings

The Board may hold quarterly meetings with the City Administrator, Mayor and City Council, and the Board of County Commissioners. These meetings shall be for bringing all said parties together to discuss planning issues and concerns. Any proposed amendment to the Interlocal Agreement on Planning shall be placed on the agenda for the first available quarterly meeting prior to action by either the City of the County. Quarterly meetings shall be held on the second Tuesday of the first month of each quarter at a time to be mutually agreeable to all of the parties. The responsibility for preparation and distribution of agendas, meeting notices, etc., shall be with the Planning Department.

Section 7 Interlocal Agreement

If any party to the Interlocal Agreement on Planning proposes an amendment to said agreement, the Board of Planning shall first be provided a copy of the amendment along with the recommendations(s) for revision. The Board shall request that a joint meeting be held with all of the signatory parties to the Agreement to discuss any proposed amendments, prior to any action by the signatory parties. The Board shall then provide a recommendation to all signatory parties to the agreement. The Board can recommend approval, denial, or modification of any such proposed amendments.

ARTICLE IX

COMMITTEES AND ADVISORY COMMITTEES

Section 1. Committees

The President is responsible for selecting the chairman and individual members of the committee.

A. Plat Review Committee

The committee shall consist of the entire Planning Board.

B. Nominating Committee

The President shall at the first regular meeting in November appoint three (3) members who will present their recommendations for new officers at the first meeting in December as the first order of business following the approval of the minutes. Nominations from the floor may be made at this time. The President shall not be a member of the Nominating Committee.

C. Special Committees

Special committees for any purpose may be appointed by the President or created by motion of the Board to create and direct the President to appoint its members.

Section 2. Advisory Committees

Citizen Advisory Committees may be established in each of the geographical areas from which a Board member is appointed. The purpose of the committees is to provide advice to the Board on planning related matters of interest to their areas.

Section 3. Committee Action

In no case shall a committee take official action unless a quorum is present.

ARTICLE X

LEGAL ASSISTANCE

The Board shall seek legal assistance from the attorneys for the appropriate governing body.

ARTICLE XI

FINANCING

Section 1. Board Financing

As provided through MCA 76-1-306 the governing body shall assign staff employed by the governing body to assist the planning board in conducting its duties. The planning board may delegate to assigned staff the authority to perform ministerial acts in all cases except when final action of the planning board is necessary. The governing body may make contracts for special or temporary services and any professional service. The following MCA sections also govern the fiscal administration of the Planning Board:

76-1-401. Fiscal administration.

- (1) To effectuate the purpose of this chapter, the board shall have the power and duty to:
 - (a) supervise the fiscal affairs and responsibilities of the board;
 - (b) prepare and submit to the governing bodies represented on the board an annual budget in the same manner as other departments of the city and county governments and shall be limited in all expenditures to the provisions made therefore by the governing bodies represented upon the board.
- (2) The planning board shall have authority to expend, under regular city or county procedure as provided by law, all sums appropriated to it for purposes and activities authorized by this chapter.

76-1-402. Funding of board operation.

- (1) After a city council has by ordinance, a board of county commissioners has by ordinance and resolution, or a city council and board of county commissioners have by ordinance and resolution created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board.
- 2) When a planning board has been created by agreement of more than one governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and may budget and appropriate the funds necessary for the respective shares thus agreed upon.

Section 2 Financial Summary

The Planning Director shall provide a financial summary of the Department budget to the Board as requested.

ARTICLE XII

PROGRAM DEVELOPMENT

Each year, under direction of the Board, the Planning Department shall prepare a Unified Planning Work Program (UPWP).

The UPWP shall outline all proposed work activities for the year and indicate funding sources for each.

The primary purpose of the UPWP shall be to maintain certification as the Metropolitan Planning Organization (MPO) through the Montana Department of Transportation and the Federal Highway Administration (FHWA). The secondary purpose shall be to provide the Board and administrative guide to monitor yearly work activities of the Planning Department.

ARTICLE XIII

MISCELLANEOUS

Section 1. Conflict of Interest

Any member(s) having a financial or personal interest in a matter before the Board for discussion or vote shall publicly disclose the nature and extent of such interest and absent himself from the meeting until discussion on the matter has ended and a vote, if any, is taken. In such circumstances, the secretary shall note in the minutes that a conflict of interest was acknowledged and the Board member(s) was absent during the discussion and voting.

Section 2. Travel

Authorization of travel of any Board member to attend a conference, convention, or other meetings necessary to carry out the affairs of the Board must be approved by the Board and the appropriate governing body represented by the board member. Upon return, the Board member must submit a written summary of the expenditures and activities.

Section 3. Distribution of Planning Studies

Pertinent studies of interest to certain entities may be distributed to interested parties and local media. Additional copies may be made available to the public at the cost of publication or duplication.

Section 4. Plan Study and Adoption

The Board shall formally adopt all plans or studies by resolution. Such resolution shall clearly state the authorization for the particular plan or study, the findings of fact, which necessitated its preparation and the recommendation to the respective governing bodies relative to action necessary to implement the objects of the plan or study.

Section 5. By-Law Amendments

Amendments to the By-Laws of the Yellowstone County Board of Planning may be initiated by any member of the Board. Such amendments must be submitted, in writing, at a regular meeting and approved by a two-thirds vote of the members present.

INTERLOCAL, PLANNING AGREEMENT
BILLINGS, BROADVIEW, YELLOWSTONE COUNTY

THIS AGREEMENT made and entered into on December 10, 1984 and as amended on October 24, 1988 and as amended on October 15, 1990, and as amended on October 1, 1995 by and between the following:

The County of Yellowstone, Montana
hereinafter designated the County.

The City of Billings, Yellowstone County, Montana
hereinafter designated the City.

The Town of Broadview, Yellowstone County, Montana
hereinafter designated the Town.

WITNESSETH:

WHEREAS, the Board of Yellowstone County Commissioners, by resolution, established a County Planning Board pursuant to Section 76-1-104 Montana Code Annotated (MCA), and,

WHEREAS, Section 76-1-111 MCA allows any city, county, or town, or any combination thereof wishing to be represented upon an existing Planning Board may, by agreement of the governing body or bodies represented upon the board, obtain representation thereon and share in the membership duties and costs of the board upon a basis agreeable to the governing bodies creating the board, and,

WHEREAS, the Parties hereto desire that the organization and makeup of the County Planning Board, its financing, and its relationship to the technical staff and local governing bodies should be more clearly defined by agreement.

NOW THEREFORE, the Parties hereto, in consideration of the mutual benefits to be derived, state, covenant, and agree as follows:

1. **PURPOSES:** The Purposes of this agreement are to address administration and financing; to set forth the relationship of the County Planning Board to the parties hereto; to define the relationship and the line of authority of the administration of the technical staff; and to set forth the organization, makeup, and membership of the County Planning Board. The purposes shall be defined and implemented by this agreement.

2. **DURATION:** This Agreement shall continue until modified or terminated by the parties hereto as hereinafter provided.

3. ORGANIZATION: The County Planning Board is a Planning Board as defined in MCA Section 76-1-104 and 76-1-111. The composition, membership, and manner of appointment shall be as follows:

Membership:

The Planning Board shall consist of fifteen (15) members.

Seven (7) members are to be appointed by the County Commissioners - one (1) from each geographical area as outlined on the accompanying map (Attachment A).

Five (5) members are to be appointed by the Mayor of Billings from within the city limits of Billings - one (1) from each political ward as outlined on the accompanying map (Attachment B).

One (1) member to be appointed by the County Commissioners from the governing board of a Soil Conservation District or a State Cooperative Grazing District.

Two (2) ex-officio non-voting representatives of School District No. 2 and the County Superintendent of Schools.

Term of Members:

Members of the County Planning Board shall be appointed to two-year terms pursuant to Section 76-1-203 MCA.

Composition:

The Planning Board shall consist of citizen members and shall not include any elected official.

4. JURISDICTIONAL AREA: The jurisdictional area of the Planning Board will include all the area in Yellowstone County including the incorporated limits of Billings and Broadview but excluding the incorporated limits of Laurel and the existing jurisdictional area surrounding Laurel (see Attachment C).

5. FINANCING AND BUDGETING

A. Financing of the Board

Commencing on October 1, 1995, the Planning Board will be financed as follows:

- i. The County will assess a uniform mill levy for the jurisdiction, as per MCA Section 76-1-405 subject to City and County approval. The County will retain 15% of the actual collection of real and personal property taxes, exclusive of light motor vehicle tax for the purpose of funding the County's geographic information system (GIS) program. All remaining revenue from the mill levy shall be transferred to the City Finance Department for deposit in a special City fund for the Planning Department. Fund transfers from the County shall be made twice per year, in December and June.

On October 1, 1995, the County will transfer \$50,000 to the City to be utilized for payroll and other related expenses. The County will also provide an audit report as of September 30, 1995, at which time all records will be transferred to the City.

- ii. Applying for and using all available Federal and State monies and grants. Grant applications, however, will be approved by City and County governing bodies.
- iii. Fees for review of subdivision and zoning requests.
- iv. Fees from sale of maps, ordinances, plans, etc..
- v. The City will accept all accrued sick and vacation leave for Planning Department employees as of October 1, 1995.

Nothing herein shall preclude any of the parties from contributing additional funds to the Planning Board for the support of planning activities, and no such contribution shall obligate the entity to continue such additional funding in the future.

All fees collected by the Planning Board, with the exception of the pro rata share of City subdivision review fees which are disbursed to the City Public Works Department, will be deposited in the City Finance Department. The County, the City, and the Town each will establish fees which may be subject to change by the respective political subdivision.

All grants received by the Planning Board will be deposited in the City Finance Department. The Board is empowered to apply for and administer grants in the name of the County, City, or Town.

B. Budgeting

The budgetary process will be conducted and administered through the City of Billings budget process.

C. Accounting

The forecasting and budgeting function is the main responsibility of the Director of Planning. The City Finance Department will furnish monthly revenue and expenditure reports to the Planning Director. The Director of Planning shall develop and implement procedures to monitor the budgeting system in accordance with State and Federal Statutes.

6. COUNTY PLANNING BOARD: The role of the Planning Board shall be to recommend planning policy to the County, City, and Town. The Planning Board shall prepare a master plan for the jurisdictional area, as defined in MCA Section 76-1-601, review proposed subdivision, and administer the zoning and subdivision ordinances and resolutions of the various local governing bodies. The Planning Board shall serve as the Metropolitan Planning Organization for the Billings Urban Area Transportation Study. The Planning Board shall perform other planning-related functions as requested by the parties hereto.

Citizen Advisory Committees should be established in each of the geographical areas from which a Planning Board member is appointed. The purpose of the Committees is to provide advice to the Planning Board on planning-related matters of interest in their areas.

In order to fulfill its role, the Planning Board shall comply with MCA Sections 76-1-301, 76-1-302, 76-1-304, 76-1-305, and 76-1-307. The Planning Board shall adopt by-laws which set forth the Board's policies and procedures.

7. DIRECTOR OF PLANNING. The selection of the Director of Planning shall be made by the City after consideration of the recommendation of a selection committee which includes representation from the County and the Planning Board. The Director of Planning shall report directly to the City Administrator who will be responsible for managing the position. The City Administrator shall evaluate the performance of the Director of Planning, in writing, at least annually. In conducting the evaluation, and in any personnel decision regarding the Director of Planning, the City Administrator shall solicit the comments of the County and the Planning Board. The Director of Planning shall function as the Executive Secretary of the Planning Board and shall function as the administrative official to the Zoning Commissions and Boards of Adjustment for the County, City, and Town. The Director of Planning shall be responsible for all hiring, firing, task assignments, and other supervision and management of the planning staff subject to the policies and directives of the City.

8. **STAFF ASSISTANCE:** The planning staff shall provide technical assistance to the County, City, Town, Planning Board, Zoning Commissions, and Boards of Adjustment as required and necessary. The planning staff shall provide technical assistance at each of the meetings of the County, City, Town, Boards or Commissions as requested. The staff shall be responsible to conduct each matter submitted to the County or to the City or Town through the proper administrative procedural channels and to give direction and advice to the applicants. The staff shall see to the proper notification and publication or information to the public and property owners as directed by ordinances, resolutions and state law.

The parties hereby agree that each will exercise good faith in performing this Agreement.

9. **PROPERTY INTERESTS:**

A. All personal property currently placed with the Planning Department necessary for the use of the planning staff or Board shall be leased for \$1 per year by the City. After October 1, 1995 all purchases of property shall be purchased through the City after being budgeted and in accordance with the purchasing policies of the City.

B. Ownership and control of the GIS equipment shall be retained by the County.

10. **QUARTERS:** The Planning Board offices are located on the fourth floor of the Parmly Library, Billings, Montana. Any change in office location shall be approved by the Parties hereto.

11. **TERMINATION:** Any Party to this Agreement may terminate the same by giving to the others written notice of intent to terminate. The termination shall be effective for the immediate next fiscal year, provided that the notice must be given at least 180 days prior to the end of the fiscal year. Termination of this agreement is intended to restore operation and function of the Planning Department to the same status as prior to this agreement. Employee benefits would not be grandfathered from the City to the County. Property acquired by the City during the term of this agreement would be leased to the County under the same terms as in Paragraph 9, above. Any City cash reserves would be transferred to the County.

12. **AMENDMENTS AND MODIFICATIONS:** Amendments and modifications to this Agreement shall be made in writing and shall not become effective until processed in the same manner as any other agreement, and approved by all Parties hereto.

13. EFFECTIVE DATE: This Agreement shall be effective upon approval by the respective parties.

YELLOWSTONE COUNTY

BY: Mike Mathew Date: 10-12-95
Chairman

James A. Ziegler Sr.
County Commissioner

Bill Kennedy
County Commissioner

Attest: Tom Lane
Yellowstone County
Clerk & Recorder

CITY OF BILLINGS

BY: [Signature] Date: 9/25/95
Mayor

Attest: Marita Hensel
City Clerk

TOWN OF BROADVIEW

BY: Donald L. Wickham Date: 11-14-95
Mayor

Attest: Barbara J. Badgett
Town Clerk