

RESOLUTION NO. R14-80
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN
UPDATED INTERLOCAL PLANNING AGREEMENT BETWEEN THE
CITY OF LAUREL AND YELLOWSTONE COUNTY FOR THE
JOINT CITY/COUNTY PLANNING BOARD.

BE IT RESOLVED by the City Council of the City of Laurel, Montana:

Section 1: Approval. The Interlocal Planning Agreement between the City of Laurel and Yellowstone County for the Joint City/County Planning Board is accepted and hereby approved. A copy is attached hereto for convenience.

Section 2: Execution. The Mayor and City Clerk-Treasurer of the City of Laurel are hereby given authority to accept and execute said Agreement on behalf of the City.

Introduced at a regular meeting of the City Council on November 4, 2014, by Council Member Mountsier.

PASSED and APPROVED by the City Council of the City of Laurel this 4th day of November, 2014.

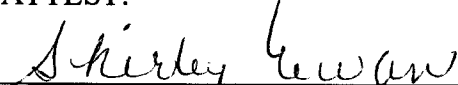
APPROVED by the Mayor this 4th day of November, 2014.

CITY OF LAUREL



Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

Approved as to form:



Sam S. Painter, Civil City Attorney

**Interlocal Agreement
City of Laurel and Yellowstone County
Joint City of Laurel / Yellowstone County Planning Board**

Introduction

There are two planning boards in Yellowstone County. There is the Yellowstone County Planning Board and the City of Laurel / Yellowstone County Planning Board. The Yellowstone County Planning Board is a County Planning Board with City of Billings representation on the Board. Section 76-1-111 of the Montana Code Annotated (2013). The City of Laurel / Yellowstone County Planning Board is a Joint City / County Planning Board. Section 76-1-112 of the Montana Code Annotated (2013). The County Planning Board has jurisdiction over all of Yellowstone County except the City of Laurel and an area around the City of Laurel that the Joint City / County Planning Board has jurisdiction over. The City of Laurel and Yellowstone County entered into an interlocal agreement to form the City of Laurel / Yellowstone County Planning Board. The interlocal agreement that formed the City of Laurel / Yellowstone County Planning Board has not been revised since 1976. **Attached as Exhibit 1 is a copy of the 1976 Interlocal Agreement.** The City of Laurel and Yellowstone County believe that it would be appropriate to revise the interlocal agreement. The City of Laurel and Yellowstone County rescinded the previous interlocal agreement and enter into the following interlocal agreement.

Functions

Required Functions

The Board shall provide planning recommendations to the City of Laurel and Yellowstone County. The Board shall prepare a growth policy. The Board shall review all proposed subdivisions and make a recommendation as to whether the City or County should approve a subdivision. The Board shall adopt bylaws for its operation. The Board shall operate in an open manner to allow public participation. The Board shall prepare an annual budget that shall be presented to the City and County during their budget setting process. The Board shall perform other planning related functions as requested by the City or County.

Discretionary Functions

The Board may propose policies for subdivision plats; the development of public ways, public places, public structures, and public and private utilities; the issuance of improvement location permits on platted and unplatted land and the laying out and development of public ways and services to platted and unplatted lands.

Jurisdictional Area

The jurisdictional area of the Board is the City of Laurel and the 4.5 mile area around the City. **Attached as Exhibit 2 is a map of the jurisdictional area of the Board.** 76-1-505

Organization

Membership

The Board shall consist of nine members to be appointed as follows: (1) two official members who reside outside the City limits, but within the jurisdictional area of the Board to be appointed by the Yellowstone Board of County Commissioners who may, in the discretion of the Board of County Commissioners, be employed by or hold public office in the County; (2) two official members who reside within the City limits to be appointed by the City Council, who may, in the discretion of the Council be employed by or hold public office in the City; (3) two citizen members who reside within the City limits to be appointed by the Mayor of the City; (4) two citizen members who reside within the jurisdictional area of the Board to be appointed by the Board of County Commissioners and (5) a ninth member to be selected by the Board of Supervisors of a conservation district. If no member of the Board of Supervisors is able or willing to serve on the Board, the ninth member will be selected by the eight official and

citizen members above subject to the consent and approval of the City Council and the Board of County Commissioners. 76-1-201

Qualifications

The citizen members of the Board must be resident freeholders in the area over which the Board has jurisdiction. At least two members must be residents in the area, outside the City limits over which the Board has jurisdiction, and at least two members appointed by the County must reside outside the City limits, but within the jurisdictional area of the Board. 76-1-202

Terms

The terms of current members will continue until expired. The terms of the members who are officers of the City or County on the Board shall be coextensive with their respective terms of office to which they have been elected or appointed. The terms of all other members shall be two years. The City or County may, by majority vote, remove a member it appointed to the Board for any reason. 76-1-203 76-1-202

Vacancies

When a member leaves the Board, the entity that appointed the member that left shall appoint the new member. The new member shall serve for the remainder of the term. 76-1-204

Compensation & Expenses

Members of the Boards shall receive no salary for serving on the Board. A member may be reimbursed for transportation and actual expenses and allowable expenses incurred in attending Board meetings.

When the Board determines that it is necessary for members or employees to attend a regional or national conference or interview in another city, county, or state dealing with planning or related problems, the Board may pay the actual expenses of the attending members or employees provided the amount has been made available in the Board's appropriation. 76-1-307

Staff

The City shall assign staff employed by it to assist the Board. The Board may delegate to assigned staff the authority to perform ministerial acts. The City may make contracts for special or temporary services and any professional services. The City shall consult and consider any comments of the County and the Board as to the assignment and performance of staff assigned to assist the Board. 76-1-306

Finance

The City shall administer the finances of the Board. The City and County shall levy a mill, in an amount to be determined by them, on the property within the jurisdictional area of the Board to fund the operation of the Board. The City shall make the records of its financial administration of the Board available to County upon request by the County. 76-1-401, 76-1-402.

Effective Date


The interlocal agreement will be effective when both the County and the City have approved the agreement. The previous interlocal agreement will be rescinded when both the County and the City have approved the new agreement.


Duration

The interlocal agreement will continue until either the County or the City decide to terminate the agreement. The County or City will provide the other entity with written notice of its intent to terminate the agreement 90 days before the effective date of the termination.

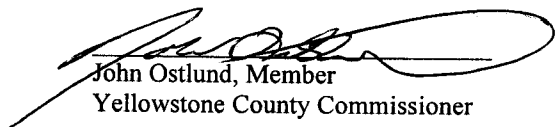
YELLOWSTONE COUNTY

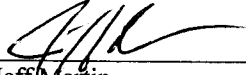
Dated this 3rd day of November 2014.


James E. Reno, Chairman
Yellowstone County Commissioner


Bill Kennedy, Member
Yellowstone County Commissioner

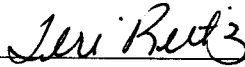
Attest:


John Ostlund, Member
Yellowstone County Commissioner

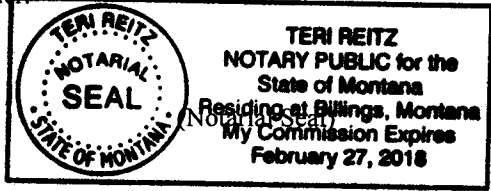

Jeff Martin
Yellowstone County Clerk and Recorder

State of Montana }
 ss.
County of Yellowstone }

On November 3, 2014, before me appeared James E. Reno, Bill Kennedy and John Ostlund, members of the Board of County Commissioners of Yellowstone County, and Jeff Martin, the Yellowstone County Clerk and Recorder, and acknowledged to me that they executed the attached Interlocal Agreement City of Laurel and Yellowstone County Joint City of Laurel / Yellowstone County Planning Board on behalf of Yellowstone County in their official capacities as Board Members and the Clerk and Recorder.



Notary Public For the State of Montana
Residing at Billings, Montana.
My commission expires _____



On November 3, 2014, during its regularly scheduled public meeting, the Yellowstone County Board of County Commissioners approved this Interlocal Agreement City of Laurel and Yellowstone County Joint City of Laurel / Yellowstone County Planning Board. Minutes and a recording of the meeting can be obtained from the Yellowstone County Clerk and Recorder. An official copy of the agreement can also be obtained from the Clerk and Recorder.

CITY OF LAUREL

Dated this 4th day of November 2014.

Attest:

Mark A Mace

Mark A. Mace, City of Laurel Mayor
City of Laurel Council

Shirley Ewan

Shirley Ewan
City of Laurel City Clerk

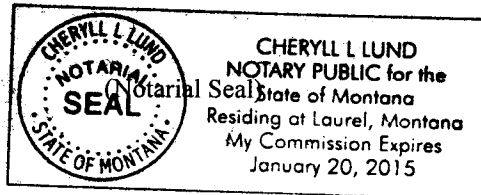
State of Montana }
 ss.
County of Yellowstone }

On November 4, 2014, before me appeared Mark Mace, the Mayor of the City of Laurel and a member of the Laurel City Council, and Shirley Ewan, the City of Laurel City Clerk, and acknowledged to me that they executed the attached Interlocal Agreement Yellowstone County and City of Laurel Joint Yellowstone County / City of Laurel Planning Board on behalf of the City of Laurel in their official capacities as Mayor and City Clerk.

Cheryll L. Lund
Cheryll L. Lund

Notary Public For the State of Montana
Residing at ~~Billings~~ Laurel, Montana.

My commission expires Jan. 20, 2015



On November 4, 2014, during its regularly scheduled public meeting, the Laurel City Council approved this Interlocal Agreement City of Laurel and Yellowstone County Joint City of Laurel / Yellowstone County Planning Board. Minutes and a recording of the meeting can be obtained from the Laurel City Clerk. An official copy of the agreement can also be obtained from the City Clerk.

EXHIBIT 1

ORDINANCE NO. 619

AN ORDINANCE CREATING LAUREL-YELLOWSTONE CITY-COUNTY PLANNING BOARD; PROVIDING FOR THE MEMBERS THEREOF; AND ESTABLISHING A MILL LEVY FOR PLANNING BOARD PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAUREL, MONTANA:

Section 1. This ordinance shall henceforth be known as the Laurel-Yellowstone City-County Planning Board Ordinance.

Section 2. There is herewith created a planning board to be known as the Laurel-Yellowstone City-County Planning Board, pursuant to §11-3810, R.C.M., 1947, as Amended; that the City of Laurel shall join with Yellowstone County, Montana, in the creation of a joint planning board. The Laurel-Yellowstone City-County Planning Board shall have all powers and duties as prescribed by Chapter 38 of Title I, Part 2, R.C.M., 1947, as Amended.

Section 3. The Laurel-Yellowstone City-County Planning Board shall consist of eleven (11) members to be appointed as follows:

- (a) Two (2) official members who reside outside the city limits, to be appointed by the Yellowstone County Board of County Commissioners who may in the discretion of the Board of County Commissioners be employed by or hold public office in the County.
- (b) Two (2) official members to be appointed by the city council who may in the discretion of the Laurel City Council, be employed by or hold public office in the city.
- (c) Three (3) citizen members to be appointed by the Mayor of the city.
- (d) Three (3) citizen members to be appointed by the Yellowstone County Board of County Commissioners. Two (2) members shall reside outside the city limits but within the jurisdictional area of the planning board.
- (e) The eleventh member shall be selected by the ten (10) official and citizen members hereinabove provided for with the consent and approval of the Board of County Commissioners and the City Council.

EXHIBIT 1

- (f) The terms of the members who are officers of any governmental unit represented on the board shall be co-extensive with their respective terms of office to which they have been elected or appointed; the terms of the other members shall be two (2) years, except that the terms of the first members appointed shall be fixed by agreement and rule of the governing bodies represented on the board for one (1) or two (2) years in order that a minimum number of terms shall expire in any year.
- (g) Vacancies occurring on the board shall be filled by the governing body, having appointed them for the unexpired term.

Section 4. The jurisdictional area shall include the area within the corporate limits of the City of Laurel and extend four and one-half miles (4½) beyond the limits of the City of Laurel.

Section 5. The Laurel-Yellowstone City-County Planning Board shall function as the zoning commission authorized under §11-2706, R.C.M., 1947, as Amended.

Section 6. To defray all expenses and liabilities of the City for Planning Board purposes, a two (2) mill levy is hereby levied against all taxable property in the city.

Section 7. All proposed subdivisions, plats, certificates of survey shall be presented to and meet the approval of the Laurel-Yellowstone City-County Planning Board within the jurisdictional area above-described before the same shall be filed of record or accepted for record or brought within the city limits of the City of Laurel.

Section 8. All ordinances or parts thereof in conflict with any of the provisions herein contained are hereby repealed.

Section 9. All acts, contracts and actions of the City-County Planning Board organized under Ordinance No. 571-A are hereby ratified by the City of Laurel. All members appointed to the City-County Planning Board under Ordinance No. 571-A shall be members of the Laurel-Yellowstone City-County Planning Board until their term shall expire

EXHIBIT 1

as provided under Ordinance No. 571-A.

Introduced at a regular meeting of the City Council on June
15th by alderman Kilpatrick.

Passed and approved by the City Council of the City of Laurel
this 15th day of June, 1976

CITY OF LAUREL

BY Louis M. Yovetich
LOUIS M. YOVETICH, Mayor

ATTEST:

Dorothy P. Bundy
DOROTHY P. BUNDY, City Clerk

APPROVED AS TO FORM:

LARRY D. HERMAN, City Attorney

Exhibit 2

