

2001 INTER-LOCAL AGREEMENT
FOR CONSOLIDATION OF
CITY AND COUNTY PLANNING BOARDS

WHEREAS, Title 7, Chapter 11, MCA, permits local government units to make the most efficient use of their powers by enabling them to cooperate with other local government units on a basis of mutual advantage, and thereby to provide services and facilities in a manner, and pursuant to forms of governmental organization, that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and,

WHEREAS, the above-referenced statute provides that an inter-local agreement may be adopted by authorization and approval by the governing bodies of the parties to said agreement; and,

WHEREAS, the City of Helena, Montana, hereinafter referred to as "City," and the County of Lewis and Clark, Montana, hereinafter referred to as "County," are both public agencies of the State of Montana; and,

WHEREAS, Section 76-1-112, MCA, allows local governments to create consolidated planning boards and to dissolve existing planning boards by means of inter-local agreements and,

WHEREAS, in 1987 the City and County entered into an

inter-local agreement for consolidation of the City and County Planning Boards, which agreement was amended previously, the last amendment being done in 1997; and,

WHEREAS, the City and County deem it to be in their best interests to repeal the prior inter-local agreement and supersede it with a new agreement as follows:

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree that the superseding agreement will read as follows:

1. **REPEAL OF PREVIOUS AGREEMENTS:** This agreement repeals and supersedes all previous agreements between the parties creating a consolidated City-County Planning Board.

2. **PURPOSE OF AGREEMENT:** This agreement is made and entered into by the City and County to establish the "Helena/Lewis and Clark County Consolidated Planning Board," hereinafter referred to as "Board." The Board shall perform planning functions for the City and County and shall, at the date of the adoption of this agreement, be the sole planning board to serve both governmental entities signatory to this agreement.

3. **ORGANIZATION OF BOARD:**

A. **Membership:** The Board shall consist of nine (9) members, to be appointed in accordance with §76-1-201, MCA, as follows:

(1) two (2) official members who reside

outside the city limits, but within the jurisdictional area of the Board, to be appointed by the 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 (2) official members who reside within the city limits to be appointed by the City Commission, who may, in the discretion of the City Commission, be employed by or hold public office in the city;

(3) two (2) citizen members who reside within the city limits to be appointed by the Mayor of the City;

(4) two (2) citizen members who reside within the jurisdictional area of the Board, to be appointed by the Board of County Commissioners;

(5) the ninth member to be selected by the eight officers and citizen members hereinabove provided for from the members of the Board of Supervisors of a conservation district provided for in §76-15-311, MCA. If no member of the

Board of Supervisors is able or willing to serve on the Board, that position will be vacant until a willing and capable board member can be found. When this position is vacant it will be not counted in determining a quorum.

B. Qualifications of Board Members: In accordance with §76-1-202, MCA, the citizen members of the Board shall be residents in the area over which the Board has jurisdiction; provided, however, that at least two (2) of such members shall be residents in the area, if any, outside the city limits over which the Board has jurisdiction, and the two members appointed by the County Commissioners shall reside outside the city limits but within the jurisdictional area of the Board.

Any appointee may be removed from office by a majority vote of the governing body of the governmental unit representing such appointee.

C. Terms of Members: The terms of the Board members who are officers of any governmental agency represented on the Board are co-extensive with their respective terms of office to which they have been elected or appointed; the terms of the other members will

be three (3) years.

- D. **Vacancy on Board:** Vacancies occurring on the Board by death or resignation of members are filled for the unexpired term by the governing bodies having appointed them.
- E. **Duties of Board:** To ensure the promotion of public health, safety, morals, convenience, order, and the general welfare, and for the sake of efficiency and economy in the process of community development, the Board shall prepare a growth policy and serve in an advisory capacity to the local governing bodies establishing said Board.
- F. **Policy Proposals:** The Board may propose policy for:
- (1) review of subdivision plats;
 - (2) development of public ways, public places, public structures, and public and private utilities;
 - (3) laying out and development of public ways and services to platted and unplatted lands; and
 - (4) other public planning issues as deemed appropriate by the governing bodies.
- G. **Subdivision Review:** The governing bodies of the City and County shall seek the advice of

the Board in all matters pertaining to the approval or disapproval of plats or subdivisions to be filed within the jurisdictional area of the Board; however, the governing bodies may designate that certain minor subdivisions may be reviewed through a "summary review" process that may not necessitate Board review.

4. MANNER OF FINANCING BOARD:

A. Expenses of Board: All County expenses for the operation of the Board are paid from the Lewis and Clark County budget, all City expenses are paid from the City of Helena budget, and other sources as accepted by the City and County Commissions. Authorization for said planning expenditures is the responsibility of the Board of County Commissioners and the Helena City Commission.


B. Establishing and Maintaining a Budget: The Board has no authority to establish a budget, levy taxes, or indebt the City, the County or itself.

5. BYLAWS: The bylaws adopted pursuant to the 1987 Interlocal Agreement, as amended, shall remain in full force and effect until an amendment is approved by the City and the County.

6. DURATION: This agreement is effective upon execution and continues until such time as either party hereto terminates this agreement by the method hereinafter prescribed. This agreement remains in effect until termination by withdrawal of either party hereto, by resolution of its governing body and after the giving of ninety (90) days advance written notice to the other party..

DATED this 3 day of May, 2001.

CITY OF HELENA, MONTANA

By 
TIM BURTON, City Manager

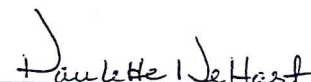
ATTEST:

By 
DEBBIE HAVENS, City Clerk

LEWIS AND CLARK COUNTY
BOARD OF COUNTY COMMISSIONERS

By 
KAROLIN J. LOENDORF, Chair

ATTEST:

By 
PAULETTE DEHART, Clerk
and Recorder

