

ORDINANCE NO. 1234

AN ORDINANCE REVISING TITLE 2, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING THE CITY PLANNING BOARD TO CONFORM TO STATE STATUTE, PROVIDING FOR CONDITIONAL APPOINTMENT OF TWO ADDITIONAL MEMBERS TO THE CITY PLANNING BOARD BY THE CUSTER COUNTY BOARD OF COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. Section 2-281 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-281. - Creation.

There is hereby created a city planning board pursuant to state law, which shall be designated and known as the Miles City Planning Board.”

Section 2. Section 2-282 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-282. - Membership.

The city planning board shall consist of not less than seven members, to be appointed as follows:.

- (a) one member to be appointed by the city council from its membership;
- (b) one member to be appointed by the city council, who may, in the discretion of the city council, be an employee or hold public office in the City or in Custer County;
- (c) one member to be appointed by the mayor upon the designation of the Custer County Commissioners;
- (d) four citizen members to be appointed by the mayor, two of whom shall be resident freeholders within the urban area, if any, outside the city limits over which the planning board has jurisdiction under Title 76, Chapter 1, MCA, and two of whom shall be resident freeholders within the city limits;

The City Clerk shall certify members appointed by the City Council. The certificates shall be sent to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members.”

Section 3. Section 2-283 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows.

“Sec. 2-283. - Term of office.

The term of the member who is a member of the City Council shall be coextensive with the term of office to which such member has been elected; the terms of the other members shall be two years, except that the terms of the first members appointed shall be staggered, with the appointee under Sec. 2-282(b) serving an initial one year term, and two of the appointees under Sec. 2-282(d) serving an initial one year term, as designated by the Mayor at time of original appointment.”

Section 4. Section 2-284 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-284. - Vacancies.

Vacancies occurring in the citizen membership on the board shall be filled by the Mayor. . A vacancy occurring as to the City Council member on the board shall be filled by the City Council. If a vacancy occurs in a membership position under Sec. 2-282(c), the Custer County Board of Commissioners shall within 45 days designate a representative of the County to the Mayor for appointment. The Mayor may not reject or refuse to appoint a representative designated by the Board of Commissioners as provided in this section. However, if the Board of Commissioners fails to designate a representative within such 45 day period, they the Mayor may appoint as a representative of the County a person of the Mayor’s own choosing and at the Mayor’s sole discretion.”

Section 5. Section 2-285 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-285. - Qualifications of citizen members; Removal.

The citizen members shall be qualified by knowledge and experience in matters pertaining to the development of the city, shall hold no other office in the city government, and shall be residents of such city or jurisdictional area as defined in Sec. 2-282(d). An citizen appointee may be removed from office by a majority vote of the City Council.”

Section 6. Section 2-286 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-286. - Meetings.

The board shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October. Special meetings of the planning board may be called by the president or by two members upon written request to the secretary. The secretary shall send to all members, at least two days in advance of a special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting or if all members are present at the special meeting. All meetings of the planning board shall be conducted in compliance with the Montana open meeting statutes and City resolutions providing for public participation.”

Section 7. Section 2-287 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-287. - Quorum.

A majority of members shall constitute a quorum; no action of the planning board is official, however, unless authorized by a majority of members of the board at a regular meeting or properly called special meeting.”

Section 8. Section 2-288 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-288. - Officers.

At its first regular meeting in each year, the board shall meet and organize by electing a president and a vice-president. The vice-president shall have authority to act as president of the board during the absence or disability of the president. At the same meeting the board shall designate a secretary of the board who may be, but need not be, a member of the board. If the secretary so designated is not a member of the board, the secretary shall not be entitled to a vote on any matter before the board.”

Section 9. Section 2-289 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-289. - Budget and expenditures.

The city planning board shall prepare and submit to the City Council an annual budget in the same manner as other departments of the city and shall be limited in all expenditures to the provisions made therefor by the City Council. Subject to 15-10-420 MCA, the City Council may levy a tax upon the taxable value of all taxable property within the city , under procedures set forth in Title 7, Chapter 6, Part 40 MCA.”

Section 10. Section 2-290 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 2-290. - Powers.

The city planning board shall have all of the powers and authority granted by state law and shall perform all of the duties required thereunder.”

Section 11. There is added a Section 2-291 to the Code of Ordinances of the City of Miles City, Montana to read as follows:

“Sec. 2-291. Additional members of board appointed by County Commissioners.

So long as the City of Miles City is exercising zoning and/or subdivision regulation beyond the city limits pursuant to 76-2-310 MCA, the membership of the city planning board shall be expanded to nine members. The two additional members shall be residents of the unincorporated area over which the City is exercising such zoning and/or subdivision regulations. These additional members shall be appointed by the Custer County Board of Commissioners. The membership of these additional members shall cease upon the Custer County Board of Commissioners adopting a growth policy pursuant to Title 76, Chapter 1, MCA, and accompanying zoning or subdivision regulations that include such unincorporated area.”

Section 12. Transition. The provisions of Sec. 2-283 notwithstanding, the term of all members of the City Planning Board now serving shall terminate upon the effective date of this Ordinance and members shall thereupon be appointed as provided under Section 3 of this Ordinance.

Section 13. This amendment shall become effective thirty (30) days after its final passage.

Said ordinance read and put on its passage this 14th day of February, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

**FINALLY PASSED AND ADOPTED BY THE AFFIRMATIVE VOTE OF
A MAJORITY OF THE MEMBERS OF THE CITY COUNCIL OF THE
CITY OF MILES CITY THIS 28TH DAY OF FEBRUARY, 2012.**

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk