

RESOLUTION NO. 3843

**A RESOLUTION TO ESTABLISH AN URBAN RENEWAL AGENCY PURSUANT TO TITLE 7 CHAPTER 15 PART 42 OF THE MONTANA CODE ANNOTATED TO BE KNOWN AS THE MILES CITY DOWNTOWN URBAN RENEWAL BOARD OF COMMISSIONERS AND TO ACT AS AN ADVISORY BOARD ONLY TO THE MILES CITY CITY COUNCIL.**

**WHEREAS,** the Miles City City Council has previously adopted resolutions finding that: (1) one or more blighted areas exist in the City of Miles City and the rehabilitation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City; and

**WHEREAS,** the Miles City City Council has previously adopted Ordinance 1294 establishing the Miles City Downtown Urban Renewal District to be overseen by the Historic Preservation Office; and

**WHEREAS,** the Miles City council has previously appointed a steering committee consisting of downtown property owners, representatives of local finance institutions, and city officials for a term of one year, charged with developing administrative and fiscal policy and direction during the initial creation phase, which must now transition into a permanent term appointed Board responsible for advising the City Council as to the expenditure of TIF dollars generated in the district, and

**WHEREAS,** pursuant to *MCA 7-15-4232* the Miles City City Council finds that it would be in the best interests of the city to establish an Urban Renewal Agency to be known as the Miles City Urban Renewal Board of Commissioners for the purpose of assisting the City Council in evaluating and proposing urban renewal plans and projects; and

**WHEREAS,** pursuant to *MCA 7-15-4233*, the City of Miles City hereby authorizes the Miles City Urban Renewal Board of Commissioners to adopt appropriate bylaws, attached herein as Attachment A, in order to exercise the following urban renewal project powers: (a) to formulate and coordinate a workable program as specified in *7-15-4209*; (b) to assist city staff in the preparation of urban renewal plans or modifications to such plans and make recommendations to the Miles City City Council; (c) to review urban renewal projects and make recommendations to the Miles City City Council regarding the funding of such projects; (d) to undertake and carry out urban renewal projects as required by the local governing body; (f) to disseminate blight clearance and urban renewal information; (h) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body, as provided in *MCA 7-15-4233*. Any powers granted in *MCA 7-15-4233* that are not included in this Resolution as powers of the urban renewal agency in lieu thereof may only be exercised by the local governing body.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA:

**SECTION 1.** That pursuant to *MCA 7-15-4232* the Miles City City Council hereby

establishes an Urban Renewal Agency to be known as the Miles City Downtown Urban Renewal Board of Commissioners for the purpose of assisting the City Council in evaluating and proposing urban renewal plans and projects.

**SECTION II.** That the Miles City Urban Renewal Board of Commissioners shall have the authority to (a) to formulate and coordinate a workable program as specified in 7-15-4209; (b) to assist city staff in the preparation of urban renewal plans or modifications to such plans and make recommendations to the Miles City City Council; (c) to review urban renewal projects and make recommendations to the Miles City City Council regarding the funding of such projects; (d) to undertake and carry out urban renewal projects as required by the local governing body; (e) to disseminate blight clearance and urban renewal information; ((f) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body as provided in MCA 71-15-4233. Any powers granted in MCA 7-15-4233 that are not included in this Resolution as powers of the urban renewal agency in lieu thereof may only be exercised by the local governing body.

**SECTION III:** That pursuant to MCA 7-15-4234 the Urban Renewal Agency be administered by appointed board of commissioners as follows:

(2) The initial membership shall consist of one commissioner appointed for 1 year, one for 2 years, one for 3 years, and two for 4 years. Each subsequent appointment must be for 4 years. A certificate of the appointment or reappointment of a commissioner must be filed with the clerk of the municipality, and the certificate is conclusive evidence of the proper appointment of the commissioner.

(3) Each commissioner shall hold office until a successor has been appointed and has qualified.

(4) A commissioner may not receive compensation for services but is entitled to the necessary expenses, including traveling expenses, incurred in the discharge of duties.

(5) Any persons may be appointed as commissioners if they reside within the municipality.

(6) A commissioner may be removed for inefficiency, neglect of duty, or misconduct in office.

**SECTION IV:** This resolution shall become effective immediately.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF MILES CITY THIS 22<sup>nd</sup> DAY OF September, 2015.



Mayor

ATTEST:



City Clerk

ATTACHMENT A

TAX INCREMENT FINANCE AGENCY  
FOR THE  
MILES CITY DOWNTOWN URBAN RENEWAL DISTRICT  
BY-LAWS

ARTICLE I

NAME

As authorized by the City of Miles City and City Ordinance 1294, this body shall be known as the Miles City Urban Renewal Board of Commissioners for the Miles City Downtown Urban Renewal District. The Agency's purpose, as explained in the Downtown Urban Renewal Plan adopted May 12, 2015, is to advise the City Council of Miles City in the expenditure of Tax Increment Finance dollars generated in the Downtown District.

ARTICLE II

MEMBERS

Miles City Urban Renewal Board of Commissioners for the Miles City Downtown Urban Renewal District will consist of five members, recommended by the Agency, appointed by the Mayor and approved by the Miles City Council for three year staggered terms.

ARTICLE III

MEETINGS

Section 1. The Agency shall conduct a minimum of four regularly scheduled meetings per calendar year which shall be held at times designated by the Agency. The meetings will be held at City Hall or other location the Agency may determine.

Section 2. Special meetings may be called by the Chair or at the call of the Agency, provided that proper notice thereof is given to all Agency members at least two days in advance in addition to proper public notice.

Section 3. A majority of the members shall constitute a quorum at all meetings of the Agency.

Section 4. All questions presented for a vote of the Agency shall be decided by a simple majority of the quorum, including the vote of the Chairperson.

Section 5. Any member of the Agency who misses three consecutive meetings without good cause shall be deemed to have resigned, and the Agency will recommend to the Mayor and City Council that a replacement be appointed for the balance of the unexpired term.

Section 6. Robert's Rules of Order shall govern in the parliamentary procedure of the Agency, in all cases to which they are applicable and in which they are not inconsistent with these by-laws.

## ARTICLE IV

### OFFICERS

Section 1. The Officers of the Agency shall be a Chairperson and Vice Chairperson and a Secretary.

Section 2. Officers shall be elected and take office at the first regular meeting of the calendar year.

Section 4. Vacancies in office shall be handled as follows:

a) In the event of resignation or incapacity of the Chairperson, the Vice Chairperson shall become the Chair for the unexpired portion of the term.

b) Vacancies in offices other than the Chairperson shall be filled for the unexpired term by special election.

Section 5. Duties of the Officers shall be as follows:

a) Chair:

- i. Preside at all meetings
- ii. Represent the Agency at City Council meetings, public hearings and public functions
- iii. Appoint special committees
- iv. Assist Tax Increment Finance (TIF) District Coordinator in establishing the agenda for each meeting. Agenda items requested by any Agency member will also be included.
- v. Assist the Tax Increment Finance (TIF) District Coordinator in developing the annual operating and management budget for the District.
- vi. In the event of resignation or incapacity of the Historic Preservation Officer, the Chairperson shall request the Mayor, with approval of City Council, designate or appoint qualified City staff as TIF District Coordinator.

b) Vice-Chairperson:

- i. Assist the Chairperson in directing the affairs of the Agency and act in the Chairperson's absence.

c) Secretary

- i. Maintain the written minutes and other records of the Board of Commissioners in accordance with City of Miles City policy and audit requirements.
- ii. Assist the Chairperson in directing the affairs of the Agency and act in the Chairperson's and Vice-Chairperson's absence.

## ARTICLE V

### TERMS

- i. The initial membership shall consist of one commissioner appointed for 1 year, one for 2 years, one for 3 years, and two for 4 years. Each subsequent appointment shall be for 4 years.
- ii. Each commissioner shall hold office until a successor has been appointed and has qualified.
- iii. A commissioner may not receive compensation for services, but may be reimbursed for travel related to duties of the office.
- iv. Any persons may be appointed as commissioners if they reside or own real estate within the municipality and have applicable experience in finance, business ownership, commercial development and real estate marketing.
- v. A commissioner may be removed for inefficiency, neglect of duty, or misconduct in office.

## ARTICLE VI

### COMMITTEES

Section 1. Committees may be appointed for special purposes by the Chairperson and with the consent of the majority of the Agency. These Committees automatically dissolve upon completion of their assignment.

## ARTICLE VII

Section 1. The TIF District Coordinator shall be an ex-officio member of the Agency.

## ARTICLE VII

### POWERS AND DUTIES OF AGENCY MEMBERS

#### Section 1.

a) Agency members shall:

- i. Abide by applicable ordinances of the City of Miles City.
- ii. Act in the best interest of the City of Miles City and the Miles City Downtown Tax Increment Finance District at all times.
- iii. Effectively budget and manage Tax Increment District Revenue in accordance with MCA 7-15-4288 and 7-15-4237
- iv. Encourage in every way possible the development and advancement of Tax Increment Finance District.
- v. Act in an advisory capacity to the City Council, the Mayor and Department Heads in management of the TIF District.
- vi. Assist and advise the Historic Preservation Officer (TIF District Coordinator) with administrative management of the District.
- vii. Assist in interpreting Montana statute (MCA), Administrative Rules of Montana (ARM), policies and functions of the Tax Increment Finance District.
- viii. Protect the business, personal and financial information identified as confidential within the Non-Disclosure Agreement by private citizens proposing projects within the District.
- ix. Exercise those urban renewal project powers described and assigned in Resolution No. 3842) adopted by the City of Miles City on (date), specifically:
  - (a) to formulate and coordinate a workable program as specified in 7-15-4209 for approval by the City Council;
  - (b) to assist city staff in the preparation of urban renewal plans or modifications to such plans and make recommendations to the Miles City City Council;

- (c) to review urban renewal projects and make recommendations to the Miles City City Council regarding the funding of such projects;
  - (d) to undertake and carry out urban renewal projects as required by the Miles City City Council;
  - (e) to disseminate blight clearance and urban renewal information;
  - (f) to perform such duties as the Miles City City Council may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body, as provided in MCA 71-15-4233.
- x. Sign a Conflict of Interest and Confidentiality Agreement.

#### ARTICLE VIV

#### AMENDMENTS

Section 1. These by-laws may be amended by a majority vote at any regular meeting, provided all agency members have been notified of the proposed amendments at least ten days prior to such meeting. Such amendment would then be subject to approval by the City Council.