RESOLUTION NO. 2013-111

A RESOLUTION OF THE MISSOULA BOARD OF COUNTY COMMISSIONERS APPROVING AN INTERLOCAL AGREEMENT ESTABLISHING THE PROVISION OF LAND USE PLANNING SERVICES IN CONCERT WITH THE CITY OF MISSOULA

WHEREAS, in 1996, the City of Missoula and Missoula County entered into an Interlocal Agreement establishing the provision of land use planning services, transportation planning services and grants administration under an Office of Planning and Grants; and in 2005 modified the Interlocal Agreement to change the organizational and financial structure of the Office of Planning and Grants; and

WHEREAS, in July, 2010, Mayor John Engen commissioned a study to analyze the effectiveness and efficiency of City services and to recommend improvements to the City of Missoula's development review system; and

WHEREAS, Missoula County conducted a study analyzing the most efficient and effective way of providing planning, transportation and grant services to all residents of Missoula County; and

WHEREAS, Missoula County and the City of Missoula passed a joint resolution expressing each jurisdictions' intent to consider amending the 2005 Interlocal agreement and providing 90 days written notice for withdrawal of both parties from the current Interlocal agreement (City Resolution Number 7686, March 26, 2012; County Resolution Number 2012-040, April 10, 2012); and

WHEREAS, Missoula County and the City of Missoula created separate departments to administer land use planning services in a coordinated and cooperative manner to the benefit of all residents of the City and County; and

WHEREAS, Missoula County and the City of Missoula find it in the best interests of the citizens served by each government to adopt an Interlocal Agreement that addresses cooperation in the provision of land use planning services.

NOW THEREFORE BE IT RESOLVED by the Missoula Board of County Commissioners, a public agency of the State of Montana, that, pursuant to M.C.A., Title 7, Chapter 11, Part 1, known as the "Interlocal Cooperation Act," the County of Missoula agrees it is to the mutual advantage of Missoula County and the City of Missoula and in the best interest of the citizens served to adopt and sign the attached Interlocal Agreement for land use planning services in Missoula County.

PASSED AND ADOPTED this 9th day of October, 2013
by the Missoula Board of County Commissioners

BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY, MONTANA

NOT AVAILABLE FOR SIGNATURE
Michele Landquist, Chair

Bill Carey
Bill Carey, Commissioner

ATTEST:

Vickie M Zeier
Clerk & Recorder/Treasurer

Jean Curtiss
Jean Curtiss, Commissioner

INTERLOCAL AGREEMENT
FOR LAND USE PLANNING SERVICES
BETWEEN THE CITY OF MISSOULA AND THE COUNTY OF MISSOULA

WHEREAS, the City and County of Missoula find it in the best interest of the citizens served by each government to adopt an Interlocal Agreement that addresses cooperation in the provision of Planning Services;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSOULA AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MISSOULA, EACH A PUBLIC AGENCY OF THE STATE OF MONTANA, THAT, PURSUANT TO MCA, TITLE 7, CHAPTER 11, PART 1, KNOWN AS THE "INTERLOCAL COOPERATION ACT," (2013), the City of Missoula and the County of Missoula agree it is to their mutual advantage and in the best interests of the citizens served to adopt this revised Interlocal Agreement for Planning Services.

BE IT FURTHER RESOLVED, that this Agreement supersedes all previous Interlocal Agreements jointly executed by the City and County of Missoula and any amendments thereto to the extent that they address Planning Services, with the exception of Transportation Planning and Grants Administration.

Section 1: Purpose and Applicability

The purpose of this Agreement is to enhance the ability of the City of Missoula and Missoula County to plan for future development of the City and County so that a county-wide pattern of community-building, land use, and conservation reflects the environmental, economic, aesthetic, and social values of city and county residents.

This Agreement does not apply to Transportation Planning or Grants Administration. More specifically, this Agreement does not apply to or affect the Metropolitan Planning Organization ("MPO"), Transportation Policy Coordinating Committee ("TPCC"), Transportation Technical Advisory Committee ("TTAC"), or related services or staffing by the City and/or County.

Section 2: Coordinated Functions

City and County coordinated functions under this agreement shall include:

A. Consolidated Planning Board: The existing City County Consolidated Planning Board shall be retained. The Consolidated Planning Board shall continue to have those duties and powers as provided by Montana law to include serving as the City of Missoula Zoning Commission, most particularly Montana Code Annotated Title 76, Chapter 1. The Board's bylaws must be reviewed and approved by the Mayor, City Council and County Commissioners.

1. Membership shall be as follows:

    a. Two citizen members who reside within the City limits (Mayoral appointment)
    b. Two citizen members who reside within the city limits (City Council appointments)
    c. One alternate citizen member who resides within the City limits (City Council appointment)
    d. Two citizen members who reside within the County but outside the City limits (County Commissioner appointment)
    e. Two citizen members who reside anywhere within the County (County Commissioner appointment)
    f. One alternate citizen member who resides outside the City limits (County Commissioner appointment)
    g. One citizen member appointed by the board of supervisors of the Conservation District from the members or associate members of the board of supervisors. If there is no member or associate member of the board of supervisors who is able or willing to serve on the Board, the member must be selected by the consolidated planning board with consent and approval of the Board of County Commissioners and the City Council

2. Term limits:
    a. The terms of the members who are officers of any governmental unit represented on the board shall be coextensive with their respective terms of office to which they have been elected or appointed;
    b. The terms of the other members shall be 2 years.
    c. County members will serve no more than three consecutive terms.
    d. City members will serve with no term limitation.
    e. Partial terms will not count against the term limit.
    f. Current members are continued for the duration of their terms.
    g. The Governing Bodies shall fill any vacancy for the unexpired portion of the term within 60 days after it has occurred.
    h. Any appointee may be removed from office for insufficient attendance as defined by the bylaws of the Board with the consent of the mayor if a mayoral appointment or a majority vote of the appointing body represented by the appointee.

3. Administration:
    a. The City of Missoula will provide the City Council Chambers as the regular Consolidated Planning Board's meeting venue, including facilities for MCAT broadcasting services, and access to meeting management software.
    b. Missoula County will provide staff support for the Consolidated Planning Board at its regular meetings including tracking

attendance, compiling and disseminating agendas, preparing and distributing summary minutes, and attending meetings.

c. Legal ads and mailing of hard copy packets shall be the responsibility of the jurisdiction proposing action.

B. Urban Growth Commission: The City of Missoula and Missoula County will jointly participate in discussions involving land use planning in the Urban Growth Area ("UGA," as depicted in the City or the County Growth Policy) through a newly created Urban Growth Commission ("UGC") composed of representatives from each entity. Membership shall be as follows:

1. Mayor (City)
2. Land Use and Planning City Council Committee Chair (City)
3. Director of Development Services (City)
4. Chief Administrative Officer (City)
5. Public Works City Council Committee Chair (City)
6. County Commissioner Chair (County)
7. Chief Administrative Officer (County)
8. Chief Planning Officer (County)
9. Chief Public Works Director (County)
10. Representative from the Consolidated Planning Board (Planning Board)
11. Missoula Development Parks Manager (County)

The UGC shall meet on a semi-annual basis and additional meetings (called by at least four of the members) as needed with the City and County hosting alternate meetings (or otherwise by mutual agreement). The entity hosting the meeting will provide summary minutes and an audio recording of the meeting.

The UGC is an advisory board that will forward UGC issues and recommendations to their respective City and County departments and other elected officials.

Section 3: Infrastructure, Planning and Development

A. The City will include the County's Public Works Director and the Director of Community and Planning Services as advisory members on the Sewer Service Review Committee.

B. If a subdivision is annexed before completion of infrastructure improvements the jurisdiction that accepted the subdivision improvements agreement and security shall be the jurisdiction that oversees the completion of the improvements and the release of the security.

C. Land use planning and subdivision review outside the Missoula City limits will be administered by Missoula County. The County acknowledges the high level of interest by the City for planning in the Urban Growth Area. Therefore, the following mechanisms are established by which the City will participate in planning in this area:

1. Missoula County will annually update the City Council through the City's planning staff on the County's priorities set within the Urban Growth Area outside the Missoula City limits.

2. Missoula County will provide notification to the City Council and City agencies of subdivision and zoning proposals and regulation revisions in the Urban Growth Area outside the Missoula City limits during agency review phase of the project.

3. Missoula County and City will pursue consistent County and City subdivision development standards within the Urban Growth Area outside the Missoula City limits.

4. The Urban Growth Commission shall meet to discuss urban area projects, funding, outreach and other issues of mutual concern, including but not limited to: annexations, contract sewer, floodplain levy maintenance, parks and park infrastructure, land use planning, subdivisions, zoning, infrastructure improvements, long-range and immediate transportation issues, economic development, conservation resource protection and legal matters as appropriate.

5. The County will work through the Chief Administrative Officers and appropriate staff to help facilitate implementation of conditions of contract sewer agreements.

Section 4: Planning Administration

Employees engaged in consolidated functions as outlined in the agreement shall be under the employment and supervision of their respective city or county departments.

Section 5: Fiscal Administration

A. In performing externally funded functions, the City and County will maintain independent status as grantee including all the rights and responsibilities associated with the status of grantee, as appropriate.

B. Fiscal Transition: County and City will perform the final accounting of the former Office of Planning and Grants as of December 31, 2012. Each jurisdiction will be responsible for its pro rata share of costs as specified under the 2005 Interlocal agreement.

   Funds remaining in the Urban Initiatives account were allocated based on 75% to the City and 25% to the County.

C. The County is authorized to levy, and has levied a tax against all property within the County of Missoula for planning purposes. Effective January 1st, 2013, disbursement of funds from this levy shall be allocated 55% to County and 45% to City. Any increase in the amount of the property tax levy beyond this base is at the sole discretion of the Board of County Commissioners, subject to the property tax limitations of state law.

D. The County receives an annual entitlement share from the State of Montana, a portion of which has been allocated to planning services in the City and the County. Effective for the period January 1st, 2013 to June 30, 2013, the entitlement share allocation shall be $20,261 County and $16,576 City. For subsequent fiscal years, the entitlement share base shall be established at $73,675 and this amount and future growth shall be allocated 55% County 45% to City.

Section 6: Retained Authority

The City Council of the City of Missoula and the Board of County Commissioners of the County of Missoula retain all administrative, legislative and decision-making authority as provided by State law with respect to the matters of planning, land-use regulation, program development and fund administration.

Section 7: Effective Date, Duration, Dissolution

This agreement shall become effective and binding upon signing and shall remain in effect until it is terminated. Either party may terminate this Agreement unilaterally by resolution of its governing body and upon the giving of six months' notice in writing to the other party. The parties may also agree to amend or terminate this Agreement on any terms to which they mutually agree in writing.

Section 8: Filing of Agreement

Pursuant to M.C.A. § 7-11-107, this Agreement shall be filed with the Missoula County Clerk and Recorder and the Montana Secretary of State.

IN WITNESS WHEREOF, The City of Missoula and the County of Missoula have caused this instrument to be duly executed by their proper officers on this 9th day of October, 2013.

CITY OF MISSOULA:

John Engen, Mayor

COUNTY OF MISSOULA:

NOT AVAILABLE FOR SIGNATURE

Michele Landquist, Chair, County Commissioners

Jean Curtiss, Commissioner

Bill Carey, Commissioner

APPROVED AS TO FORM:

Jim Nugent, City Attorney

ATTEST:

Martha L. Rehbein, CMC

City Clerk

ATTEST

Vickie Zeier

Clerk and Recorder