

INTERLOCAL AGREEMENT ESTABLISHING URBAN TRANSPORTATION
DISTRICT BOARD MEMBERSHIP

I. Parties

The parties to this Urban Transportation District Board Membership Interlocal Agreement are as follows: Missoula County Commissioners, Missoula County Courthouse, 200 West Broadway, Missoula, Montana 59802, hereinafter referred to as "Commissioners" and City of Missoula, a municipal corporation organized pursuant to Montana state law, 435 Ryman, Missoula, Montana 59802, hereinafter referred to as "City".

II. Purpose

The purpose of this Interlocal Agreement shall be to allow the local governing bodies that are parties to this Agreement to determine the number of Urban Transportation District Board members, the term of office, the selection of initial Board members, and the procedure for filling vacancies on the Board.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners and the City Council of the City of Missoula that in consideration of the mutual promises and covenants contained herein entered into pursuant to the authority granted the parties within the provisions of Title 7, Chapter 11, Part 1, MCA known as the "Interlocal Cooperation Act"; that "Commissioners" and "City" agree it is to their mutual advantage to adopt this interlocal agreement for the purpose of determining the number of Urban Transportation District Board members, the term of office, the selection of initial Board members and the procedure for filling vacancies on the Board.

III. STATUTORY AUTHORITY FOR SCOPE OF INTERLOCAL AGREEMENT

The statutory authority for the parties hereto to enter into this Interlocal Agreement is Section 7-14-212 MCA (1993) which became effective upon the Governor's signature Monday, May 3, 1993.

IV. Financial Obligations: The funding for the Missoula Urban Transportation District shall be as authorized pursuant to Title 7, Chapter 14, Part 2 Montana Code Annotated entitled "Urban Transportation Districts".

As authorized by Section 7-14-219 MCA, the urban transportation district shall have all powers necessary and proper to the establishment, operation, improvement, maintenance, and administration of the transportation district.

V. URBAN TRANSPORTATION DISTRICT BOARD MEMBERSHIP.

A) Size of Appointed Board. The urban transportation district board shall consist of seven (7) members. Each party to this Agreement shall initially have the authority to appoint two members to the Urban Transportation District Board. The currently elected three member board shall continue to hold their Board membership until the expiration of their elected term of office. Upon the expiration of the current elected members term of office each party to this Agreement shall have the authority to appoint one additional member. The third currently elected board position shall be filled on a rotating basis between the parties to this Agreement. The parties shall draw lots to determine which party makes the appointment the first time the Board position term of office is subject to either a full term appointment or the filling of a vacancy in that Board position. Thereafter the appointment for this Board position shall be made on a rotating basis by the parties hereto. Any city appointment shall be made by the mayor

subject to the advice, consent and approval of the City council.

B) The terms of office/selection of the initial board.

Generally the term of office for each Board member will be four (4) years. However, in order to ensure the staggering of terms of office of board members the initial terms shall be less than four years and shall be as follows:

(1) Each party shall appoint one board member to serve until the first Monday in January 1995;

(2) Each party shall appoint one board member to serve until the first Monday in January 1997;

(3) The party that prevails at the drawing of the lot shall appoint someone to the new term of the current board member whose term shall expire in January 1995. Thereafter, the appointment shall be on a rotating basis for each party at the beginning of the term.

(4) Each party shall appoint someone to the new term of the current two board members whose term expires January 1977.

(C) Filling of vacancies.

The parties to this Agreement shall each select one of the Board positions that expire in 1997 as their assigned selection.

Each party to this agreement shall have the right to fill any vacancy in any board position to which they made or will make an initial appointment for that term. If one of the two current elected board positions that expire January 1997 become vacant the party assigned that position shall select someone to fill the vacancy.

(D) Urban Transportation District Board Membership.

Persons appointed to the board by either city or county shall be qualified electors who reside within the boundaries of the Urban Transportation District.

VI. Duration

This Agreement shall be in full force and effect until such time as the parties hereto amend or terminate the agreement.

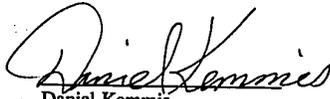
VII. Separate Legal Entity

The Urban Transportation District Board shall be a separate legal entity from either the county or City of Missoula local governments as allowed by Title 7, chapter 14, Part 2, MCA.

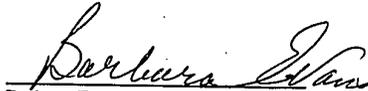
DATED this 15th day of July, 1993.

CITY OF MISSOULA

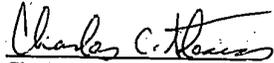
MISSOULA COUNTY COMMISSIONERS


Daniel Kemmis
Mayor


Ann Mary Dussault


Barbara Evans

ATTEST:


Charles C. Stearns
Finance Officer-City Clerk


Fern Hart



1994

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B) The terms of office/selection of the initial board.

Generally the term of office for each Board member will be four (4) years. However, in order to ensure the staggering of terms of office of board members the initial terms shall be less than four years and shall be as follows:

(1) Each party shall appoint one board member to serve until the first Monday in January 1995;

(2) Each party shall appoint one board member to serve until the first Monday in January 1997;

(3) Four Board terms will expire in January 1995. (Two elected members and two members appointed by city and county under Section (B) (1) above.) City and county shall each appoint one person to fill the previously elected positions for term which will expire January 1996. City and county will appoint to a four year term persons to fill the appointed positions.

(4) Three Board terms will expire in January 1997 (one elected member and two members appointed under (B) (2) above). City and county shall draw lots to determine which of them shall make the initial appointment to fill the vacancy in the previously elected Board position. The party winning the drawing shall appoint a person to a four year term. Thereafter the parties shall alternate in appointing a person to fill this position. The city and county shall each appoint one person to fill the previously appointed positions to a term expiring January 1, 1998.

(5) The purpose of the foregoing transition appointment schedule is to provide for the expiration of no more than two terms each year. All subsequent appointment shall be for a term of four years provided, however, that in the event of vacancy prior to the expiration of a term the party who appointed the Board member whose position is now vacant shall appoint a person to serve the unexpired term.

(6) The terms of the Board members shall continue past the date of expiration until a successor is appointed.

VI. DURATION

This agreement shall be in full force and effect until such time as the parties hereto amend or terminate the agreement.

VII. SEPARATE LEGAL ENTITY

The Urban Transportation District Board shall be a separate legal entity from either the County or City of Missoula local governments as allowed by Title 7, Chapter 14, Part 2, MCA.

DATED THIS 21st DAY OF November, 1994.

CITY OF MISSOULA


Daniel Kemmis, Mayor

MISSOULA COUNTY COMMISSIONERS

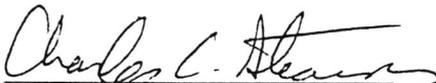
11-09-94


Fern Hart, Chair


Barbara Evans, Commissioner


Ann Mary Dussault, Commissioner

ATTEST:


Chuck Stearns, Finance Officer - City Clerk


Vickie Zeier, Missoula County Clerk and Recorder

STATE OF MONTANA)
COUNTY OF MISSOULA)SS
CITY OF MISSOULA)

I hereby certify that the above and foregoing instrument is a true and correct copy of Interlocal Agreement # 136 as the same appears upon the records of my office as City Clerk for the City of Missoula, Montana.

Date: 11/28/94
Linda Quinn
Deputy City Clerk
City of Missoula