

ORDINANCE Ord #2015-002

**AN ORDINANCE TO ADOPT
CHAPTER 2, ARTICLE 4. DEPARTMENTS AND
ARTICLE 5, BOARDS AND COMMISSIONS
TO THE CITY OF POLSON BOOK OF ORDINANCES**

WHEREAS, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

WHEREAS, the Commission recognizes the most expeditious way of adopting such Ordinances is by adoption in a sequential manner over a term of months to give the Commission and the public time to review the material;

WHEREAS, it appears in the best public interest that the following ordinances be adopted for the City of Polson;

NOW, THEREFORE, BE IT ORDAINED by the City of Polson that the following Articles of the Ordinances of the City of Polson be adopted in full as attachments hereto:

CHAPTER 2. ADMINISTRATION

ARTICLE 4. DEPARTMENTS

- DIVISION 1. – GENERALLY**
- DIVISION 2. – CITY MANAGER**
- DIVISION 3. – POLSON FIRE DEPARTMENT**
- DIVISION 4. – CITY COURT**
- DIVISION 5. – GOLF**
- DIVISION 6. – PARKS AND RECREATION**
- DIVISION 7. – COMMUNITY DEVELOPMENT**
- DIVISION 8. – BUILDING**
- DIVISION 9. – POLICE**
- DIVISION 10. – PUBLIC WORKS**

ARTICLE 5. BOARDS AND COMMISSIONS

- DIVISION 1. GENERALLY**
- DIVISION 2. PARKS, RECREATION AND TREE ADVISORY BOARD**
- DIVISION 3. CITY- COUNTY PLANNING BOARD**
- DIVISION 4. ECONOMIC DEVELOPMENT COUNCIL**
- DIVISION 5. URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT DISTRICT BOARDS**
- DIVISION 6. RESERVED**
- DIVISION 7. RESERVED**
- DIVISION 8. RESERVED**

**DIVISION 9. ZONING COMMISSION
DIVISION 10. BOARD OF ADJUSTMENT
DIVISION 11. JOINT AIRPORT BOARD
DIVISION 12. GOLF BOARD
DIVISION 13. POLICE COMMISSION**

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: 12/15/2014

First Reading: 7 ayes nays abstentions

Date: 03/02/2015

Second Reading: 5 ayes nays abstentions 2 absent

Effective Date: 04/02/2015

Mayor Heather Knutson

Attest:

City Clerk Cora E. Pritt

ARTICLE 4. DEPARTMENTS

DIVISION 1. – GENERALLY

DIVISION 2. – CITY MANAGER

DIVISION 3. – POLSON FIRE DEPARTMENT

DIVISION 4. – CITY COURT

DIVISION 5. – GOLF

DIVISION 6. – PARKS AND RECREATION

DIVISION 7. – COMMUNITY DEVELOPMENT

DIVISION 8. – BUILDING

DIVISION 9. – POLICE

DIVISION 10. – PUBLIC WORKS

DIVISION 1. GENERALLY

Sec. 2.04.100. Administrative departments established.

Secs. 2.04.110-2.04.199. Reserved.

Sec. 2.04.100. Administrative departments established

A. The following administrative departments of the city are established:

1. City Manager
2. Polson Fire Department
3. City Court
4. Golf
5. Parks and Recreation
6. Community Development
7. Building
8. Police
9. Public Works

B. The commission may by ordinance establish or abolish city departments, offices, or agencies. The city manager may, by administrative order, transfer or add functions to the departments, to include organizing or reorganizing all divisions thereunder.

C. The officers of the city, pursuant to the Charter are the city manager and the city attorney. Any other persons described by these Ordinances as officers are not to be considered "Charter Officers."

Secs. 2.04.110-2.04.199. Reserved.

DIVISION 2. CITY MANAGER

Sec. 2.04.200. Director of financial operations: appointment: powers and duties of finance officer.

Sec. 2.04.210. City manager additional duties.

Sec. 2.04.220. Fiscal year: revenue and expenditure estimates.

Sec. 2.04.230. City attorney—Appointment.

Sec. 2.04.240. Same—Appointment; Compensation.

Sec. 2.04.250. Human resources

Sec. 2.04.260. City engineer

Secs. 2.04.270-2.04.299. Reserved.

Sec. 2.04.200. Director of financial operations; appointment; powers and duties, duties of finance officer.

A. The city manager shall be the director of all financial operations. Under the direct supervision of the city manager, a finance officer shall be appointed to be responsible for the safekeeping of all public moneys and the deposit of the same as required by law. The finance officer shall keep and preserve such money in the place determined by ordinance or by the provisions of any law applicable thereto. Except as otherwise provided by law, the finance officer shall collect, receive and disburse all other public moneys coming into possession, in pursuance of such regulations as may be prescribed by the authorities having lawful control of such funds. The finance officer shall keep and have the supervision of all accounts of the city, and shall be the collector of all moneys paid to the city.

B. The finance officer shall:

1. Mail notices of all special assessments for public improvements to property owners, and perform all duties in connection with special assessments for improvements prescribed by law for city treasurers;
2. Have charge of the collection of such assessments as are payable directly to the city and the preparation of the lists and the certification thereof of all unpaid assessments to the county treasurer for collection;
3. Issue all licenses and collect all fees therefor;

C. The finance officer shall have all the authority and shall be charged with all the duties prescribed by all of the laws of the state and ordinances of the city relating to the powers and duties of city treasurers of municipalities.

Sec. 2.04.210. City manager additional duties.

In addition to the duties as proscribed in 2.03.160, as the supervisor of financial operations, the duties of the city manager shall include the purchase, storage and distribution of supplies needed by the various departments, and the city manager shall have charge, under the supervision of the city commission, of selling all real and personal property of the city not needed or suitable for public use or that the city manager may have condemned as useless. The city manager shall have charge of such storerooms and storehouses as the city may possess in which shall be stored all supplies and materials purchased by the city and not delivered to the various departments. The city manager shall inspect all supplies delivered to determine quality and quantity in conformity with specifications.

Sec. 2.04.220. Fiscal year; revenue and expenditure estimates.

- A. The fiscal year of the city shall begin on July 1. The city manager shall submit to the commission an estimate of the expenditures and revenues of the city departments for the ensuing year. Thereafter, and upon receipt of such estimate, the commission shall prepare and pass an appropriation resolution.

- B. Upon request of the city manager, the commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has provided insufficient funds, or may authorize a transfer to be made between items appropriated to the same office or department.
- C. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the respective funds from which it was appropriated and shall be subject to future appropriation.

Sec. 2.04.230. City attorney, chief legal officer—Appointment.

The city attorney, as the chief legal officer of the city, shall be an attorney at law, who has been admitted to practice in the state, and shall be known as the city attorney. The city attorney shall be the legal advisor of and attorney and counsel for the city and for all the officers and departments thereof in matters relating to their official duties. The city attorney shall perform duties and have the authority conferred upon city attorneys by law.

Sec. 2.04.240. Same—Appointment; Compensation.

The city attorney shall be appointed by the city manager with the consent of the commission. Before entering upon the duties of the city attorney's office, the city attorney shall take and subscribed to the oath of office, and said oath shall be filed with the clerk thereof.

The city attorney shall be appointed by written contract which shall specify the duties, responsibilities, conditions of employment and compensation of the city attorney. The contract shall not exceed duration of two years unless specifically extended or renewed by majority vote of the city council. The city attorney shall be supervised by the city manager and shall have the status of a department head, except that he or she may not be removed or suspended by the city manager without the consent of the commission.

Sec.2.04.250. Human resources

The city manager shall be responsible through the office of human resources to provide the following to the city:

- A. Administer compensation, benefits and performance management systems, and safety programs.
- B. Identify staff vacancies and recruit, interview, and select applicants.
- C. Allocate human resources, ensuring appropriate matches between personnel.
- D. Provide current and prospective employees with information about policies, job duties, working conditions, wages, and opportunities for promotion and employee benefits.
- E. Perform difficult staffing duties, including dealing with understaffing, disputes, terminating employees, and administering disciplinary procedures.

- F. Advise managers on organizational policy matters such as equal employment opportunity and sexual harassment, and recommend needed changes.
- G. Provide such other services as the city may require for human resource.

Sec 2.04.260. City engineer

There is hereby established the office of city engineer. Such officer shall be a licensed professional engineer and may be hired by independent contract according to terms and conditions established by the city manager. The city engineer shall have such duties and responsibilities as are delegated or required in this code and by state law as well as those duties delegated from time to time by the city manager.

Secs. 2.04.270-2.04.299. Reserved.

DIVISION 3. POLSON FIRE DEPARTMENT

- Sec. 2.04.300. Creation of fire department.
- Sec. 2.04.310. Powers and duties of fire chief.
- Secs. 2.04.320-2.04.399. Reserved.

Sec. 2.04.300. Creation of fire department.

There is created and established a fire department in and for the city which shall consist of a paid fire chief and such volunteers as the city may require for the adequate needs of the city in protecting its inhabitants.

Sec. 2.04.310. Powers and duties of fire chief; compensation.

The fire chief shall be the head of the fire department, and shall work under the supervision and control of the city manager in all matters. The fire chief shall be the executive head of the fire department. Whenever state law, contracts or interlocal agreements require the fire chief to perform any service or carry out any function, the fire chief shall have the responsibility to perform the service or carry out the function. The fire chief shall receive such salary as shall be fixed by the city manager.

Secs. 2.04.320-2.04.399. Reserved.

DIVISION 4. CITY COURT

- Sec .2.04.400. Creation city court; jurisdiction.
- Sec .2.04.410. City judge.
- Secs .2.04.420-2.04.499. Reserved

Sec .2.04.400. Creation city court; jurisdiction.

- A. A city court is established for the city. The city judge shall establish regular sessions of the court. The city court has concurrent jurisdiction with the justice's court of all misdemeanors and proceedings mentioned and provided for under chapter 10, part 3, of the Montana Code Annotated.

B. Applications for search warrants and complaints charging the commission of a misdemeanor may be filed in the city court. When they are filed, the city judge has the same jurisdiction and responsibility as a justice of the peace, including the holding of any necessary hearings. The city attorney may file an application for a search warrant or a complaint charging the commission of a crime when the offense was committed within the city limits.

C. Except as provided in 3-11-104, MCA, the city court has exclusive jurisdiction of:

(1) proceedings for the violation of an ordinance of the city or town, both civil and criminal;

(2) when the amount of the taxes or assessments sought does not exceed \$9,500, actions for the collection of taxes or assessments levied for any of the following purposes, except that no lien on the property taxed or assessed for the nonpayment of the taxes or assessments may be foreclosed in any such action:

(a) city or town purposes;

(b) the erection or improvement of public buildings;

(c) the laying out, opening, or improving of a public street, sidewalk, alley, or bridge;

(d) the acquisition or improvement of any public grounds; and (e) public improvements made or ordered by the city or town within its limits;

(3) actions for the collection of money due to the city or town or from the city or town to any person when the amount sought, exclusive of interest and costs, does not exceed \$9,500;

(4) when the amount claimed, exclusive of costs, does not exceed \$9,500, actions for:

(a) the breach of an official bond given by a city or town officer;

(b) the breach of any contract when the city or town is a party or is in any way interested;

(c) damages when the city or town is a party or is in any way interested;

(d) the enforcement of forfeited recognizances given to, for the benefit of, or on behalf of the city or town; and

(e) collection on bonds given upon an appeal taken from the judgment of the court in any action mentioned in subsections (4)(a) through (4)(d);

(5) actions for the recovery of personal property belonging to the city or town when the value of the property, exclusive of the damages for the taking or detention, does not exceed \$9,500; and

(6) actions for the collection of a license fee required by an ordinance of the city or town.

Sec .2.04.410. City judge.

The commission may determine by ordinance the number of judges required to operate the city court and shall appoint the same. The appointed city judge shall hold office for a term of 4 years and maybe reappointed for additional terms and shall serve until the qualification of a successor.

A. A city judge, at the time of appointment must:

(a) meet the qualifications of a justice of the peace under 3-10-202, MCA;

- (b) be a resident of the county in which the city or town is located; and
- (c) satisfy any additional qualifications prescribed by ordinance.

- B. The annual salary and compensation of the city judge must be fixed by contract.
- C. The city judge shall receive actual and necessary travel expenses, as provided in 2-18-501 through 2-18-503, incurred in the performance of official duties.

Secs .2.04.420-2.04.499. Reserved

DIVISION 5. GOLF

Sec 2.04.500. Golf Department

Sec .2.04.510. Appointment of Golf Professional and Golf Course Superintendent

Secs.2.04.520-2.04.599. Reserved.

Sec 2.04.500. Golf Department

There is hereby established for the recreational community of the city a golf department which shall oversee and manage the Polson Municipal Golf Course.

Sec .2.04.510. Appointment of Golf Professional and Golf Course Superintendent

The city manager shall appoint a golf professional for the management of the pro shop, restaurant and golf play. Such person may be under independent contract with the city in the discretion of the city manager in the interests of the golf community. In addition, the city manager shall appoint a Golf Course Superintendent who shall be responsible for the grounds keeping of the golf premises. Any contract for services for the management of the golf enterprises shall be approved by the city commission.

The personnel appointed hereby shall receive such compensation for their duties in the sound discretion of the city manager. A golf board shall be created to act as citizen advisory board to the city manager and the department superintendent.

Secs.2.04.520-2.04.599. Reserved.

DIVISION 6. PARKS AND RECREATION

Sec. 2.04.600 Park and Recreation Department.

Secs .2.04.610-2.04.699. Reserved

Sec. 2.04.600 Park and Recreation Department.

A park and recreation department is hereby created. The city manager shall appoint a director to administer the park and recreation department. The department shall manage all parks, trees, and recreational facilities and programs; and, perform such other duties by direction of the city manager or as required by law. A parks and recreation board shall also be created to act as citizen advisory board to the city manager and the department director.

Secs .2.04.610-2.04.699. Reserved

DIVISION 7. COMMUNITY DEVELOPMENT

Sec. 2.04.700. Community Development.
Secs .2.04.710-2.04.799. Reserved.

Sec. 2.04.700. Community Development.

A community development department is hereby created. The city manager shall appoint an administrator who may be an independent contractor for the planning and community development department. The department shall render land use and transportation planning services and facilitate, promote and ensure orderly land development in the city; facilitate, promote and ensure quality development in the city; administer related federal programs; and perform such other duties by direction of the city manager or as required by law.

Secs .2.04.710-2.04.799. Reserved.

DIVISION 8. BUILDING

Sec. 2.04.800. Building.
Sec. 2.04.810. Code and Ordinance Enforcement.
Secs .2.04.820-2.04.899. Reserved.

Sec. 2.04.800. Building.

A building department is hereby created for the city. The city manager shall appoint the building official. The building official shall administer the building inspection laws, rules and regulations as adopted by the commission. In addition, the building official shall be responsible to the city manager for all the real property of the city and the improvements thereon.

Sec. 2.04.810. Code and Ordinance Enforcement.

The building official may also be appointed by the city manager as the code and ordinance enforcement official of the city.

Secs .2.04.820-2.04.899. Reserved.

DIVISION 9. POLICE

Sec. 2.04.900 Police Department.
Sec. 2.04.910. Powers and duties of chief of police.
Secs. 2.04.920-2.04.999. Reserved.

Sec. 2.04.900 Police Department.

A Police Department is hereby created. The city manager shall appoint a police chief to administer the police department. The department shall enforce the laws of the city and State to protect life and property; to control traffic; and perform such other duties by direction of the city manager or as required by law.

Sec. 2.04.910. Powers and duties of chief of police.

The chief of police shall be the head of the police department, and shall work under the supervision and control of the city manager in all matters. The chief of police shall be the executive head of the police department. Whenever state law, contracts or interlocal agreements require the chief of police to perform any service or carry out any function, the chief of police shall have the responsibility to perform the service or carry out the function. The chief of police shall also be charged with the enforcement of all laws and ordinances. The chief of police shall receive such salary as shall be fixed by the city manager.

Secs. 2.04.920-2.04.999. Reserved.

DIVISION 10. DEPARTMENT OF PUBLIC WORKS

Sec. 2.04.1000. Director designated: powers and duties; subordinate offices.

Sec. 2.04.1010. Sewer connection requirements: director powers and duties.

Secs. 2.04.1020-2.04.1099. Reserved.

Sec. 2.04.1000. Director designated; powers and duties; subordinate offices.

The director of public works shall be the head of the department of public works and appointed by the city manager. The director shall discharge all of the duties prescribed by law and as such shall manage and have charge of the construction, improvements, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways, and of all sewers and sewerage disposal plants, drains, ditches, culverts, canals, streams and watercourses. The director shall manage and have charge of the waterworks system owned by the city, and improvements thereon, and shall have charge of the enforcement of all obligations of privately owned or operated public utilities enforceable by the city. The director shall have charge and supervision of the making and preservation of all surveys, maps, plans, drawings and estimates for public work; and charge of the cleaning, sprinkling and lighting of streets and public places; and charge and supervision of the preservation of papers, plans, tools and appliances belonging to the city and pertaining to the department of public works. The director shall receive such salary as may be fixed by the city manager.

Sec. 2.04.1010. Sewer connection requirements; director powers and duties.

The director of public works shall have authority to compel the making of sewer connections whenever, in view of a contemplated street improvement which has been ordered by the commission, or as a sanitary regulation, a sewer connection should in the director's judgment be constructed. The director shall cause written notice requiring such construction to be given to the owner of each lot or parcel of land for which such connection is to be made. Such notice shall be served by the director of public works or some person designated by the director in the manner provided for the service of summons in civil actions. Nonresidents of the city, or persons who cannot be found, may be served by one publication of such notice in a daily newspaper of general circulation in the city. It shall state the time within which such connections shall be constructed, and if they are not constructed within the time specified, they may be constructed by the city and the cost thereof, together with a penalty of five percent, assessed against the lots and lands for which such connections are made. Such assessments shall be certified and collected as other assessments of the city.

Secs. 2.04.1020-2.04.1099. Reserved.

CHAPTER 2. ADMINISTRATION

ARTICLE 5. BOARDS AND COMMISSIONS

DIVISION 1. GENERALLY

DIVISION 2. PARKS, RECREATION AND TREE ADVISORY BOARD

DIVISION 3. CITY- COUNTY PLANNING BOARD

DIVISION 4. ECONOMIC DEVELOPMENT COUNCIL

DIVISION 5. URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT

DIVISION 6. RESERVED

DIVISION 7. RESERVED

DIVISION 8. RESERVED

DIVISION 9. ZONING COMMISSION

DIVISION 10. BOARD OF ADJUSTMENT

DIVISION 11. JOINT AIRPORT BOARD

DIVISION 12. GOLF BOARD

DIVISION 13. POLICE COMMISSION.

DIVISION 1. GENERALLY

Sec. 2.05.100. Boards and Commissions to be sworn.

All boards and commissions of the city shall be sworn in and take the oath of office as prescribed by the Secretary of State for elected offices. Such oath shall be taken within 10 days of appointment.

Sec. 2.05.110-2.05.199. Reserved.

DIVISION 2. PARKS, RECREATION AND TREE ADVISORY BOARD

Sec. 2.05.200. Recreation and parks advisory board creation, membership and meetings.

Sec. 2.05.210. Board. ex officio member.

Sec. 2.05.220. Board secretary.

Sec. 2.05.230. Board recommendations to city manager.

Sec. 2.05.240. Board recommendations to city commission.

Sec. 2.05.250. Board; donations.

Sec. 2.05.260. Recreation fees.

Secs. 2.05.270-2.05.299. Reserved.

Sec. 2.05.200. Parks, recreation and tree advisory board creation, membership and meetings.

A. The city commission shall appoint a parks, recreation and tree advisory board, hereinafter referred to as the "board," which shall consist of 9 members, selected as follows:

1. Eight of the members shall be city residents appointed by the city commission;
2. One of the members shall be recommended by the county board of commissioners, with final appointment to be made by the city commission;

B. All members shall be appointed for terms of two years.

C. The board shall hold an annual meeting in March, at which meeting it shall elect one of its members as chair of the board to serve as such for the ensuing year; and it shall hold such other meetings as may be required to transact business which may come before it. A majority of the voting members of the board shall constitute a quorum for the purposes of conducting business. Regular meetings will be held on such dates as may be set by the board, and special meetings may be held on any date at the request of a majority of the members of the board, the city manager, parks and recreation director, or the city commission. All meetings shall be open to the public. Reasonable public notice shall be given prior to all regular and special meetings.

Sec. 2.05.210. Board, ex officio member.

The parks and recreation director shall be an ex officio, nonvoting member of the board. It shall be the parks and recreation director's duty to keep the board informed as to city policies, the city budget, and to make available to them any information pertinent to the parks, recreation and tree advisory board.

Sec. 2.05.220. Board secretary.

The board shall select a secretary, who shall attend all meetings of the board and keep correct minutes of all proceedings of the board in a book to be provided for that purpose, to be called the "record of the recreation and parks advisory board of the City of Polson" and shall perform such other duties necessarily implied by the activities and duties of the board. The secretary may be an employee of the city approved by the city manager or a board member.

Sec. 2.05.230. Board recommendations to city manager and parks and recreation director.

The board shall make recommendations to the city manager and parks and recreation director on the following subjects:

1. The number and nature of duties of department of parks and recreation employees and/or assistants;
2. Park and recreation program offerings;
3. Rules and regulations for the management of parks, playgrounds and other recreation places and activities;
4. Fees to be charged for activities and use of park and/or recreation property;
5. Annually review with administration each year a proposed budget covering the activities and facilities; Problems and needs of Polson in connection with its tree planting and maintenance programs;
6. Give assistance to the city in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether the same be on private or public property; and
7. Other recommendations as requested.

Sec. 2.05.240. Board recommendations to city commission.

The board shall make recommendations to the city commission on policy and procedural matters in the field of public parks, recreation and tree management. Subject to the approval of the city manager, the board shall make recommendations on the following subjects:

1. Equipment, operation and supervision of parks, playgrounds, athletic fields and indoor recreation facilities, on or in any public grounds or buildings, either within or without the city, which the city commission may from time to time provide, acquire, authorize, offer, designate or set apart for such use;
2. The use of any grounds, places, buildings or facilities which may be offered, either temporarily or permanently, by individuals or corporations for recreational purposes;
3. On park land or cash-in-lieu proposals by developers through the planning process; and
4. Other recommendations as requested.

Sec. 2.05.250. Board; donations.

When approved by the city commission, the board may, on behalf of the city, receive donations, legacies or bequests for the improvement or maintenance of tree programs, parks, playgrounds, recreation centers or other recreational facilities; and all moneys that may be derived from such donations, legacies or bequests shall be deposited with the finance officer to the credit of the park, recreation and tree trust fund; and the same may be drawn therefrom and paid out upon approval of the city commission in the same manner as provided in payment of moneys legally appropriated for the acquisition, support and improvement for parks, trees, playgrounds, recreation centers and other recreation places; and the moneys so derived from such donations, legacies or bequests shall be used solely for such uses.

Sec. 2.05.260. Recreation fees.

Fees charged for activities and use of recreation property shall be deposited with the finance officer.

Secs. 2.05.270-2.05.299. Reserved.

DIVISION 3. CITY- COUNTY PLANNING BOARD

Sec. 2.05.300. Established; powers and duties.

Sec. 2.05.310. Jurisdiction.

Sec. 2.05.320. Composition.

Secs. 2.05.330-2.05.399. Reserved.

Sec. 2.05.300. Established; powers and duties.

Pursuant to and under the provisions of title 76, Montana Code Annotated (MCA 76-1-101 et seq.), the city commission of the city has previously created and established a city county planning board known as the "City County Planning Board" as provided in said title, and does by this division adopt all of the sections of the laws of the state aforementioned that specifically pertain to a city/county planning board, granting and delegating to the city/county planning board all of the rights, privileges, powers, duties and responsibilities thereto appertaining.

Sec. 2.05.310. Jurisdiction.

The planning board shall have such jurisdiction as provided by state law.

Sec. 2.05.320. Composition.

A. The planning board shall consist of nine members, appointed to two-year terms to expire on December 31, as follows:

1. two official members who reside outside the city limits but within the jurisdictional area of the city-county planning 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 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 citizen members who reside within the city limits to be appointed by the mayor of the city;
4. two citizen members who reside within the jurisdictional area of the city-county planning board to be appointed by the board of county commissioners;
5. the ninth member to be appointed by the board of supervisors of a conservation district provided for in 76-15-311 from the members or associate members of the board of supervisors, subject to approval of the members provided for in subsections (1)(a) through (1)(d).

B. The city clerk shall certify the members appointed by the city commission. 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.

Secs. 2.05.330-2.05.399. Reserved.

DIVISION 4. ECONOMIC DEVELOPMENT COUNCIL

Sec. 2.05.400. Purpose and intent.

Sec. 2.05.410. Creation: powers. duties and authority: membership.

Secs. 2.05.420-2.05.499. Reserved.

Sec. 2.05.400. Purpose and intent.

The purpose and intent of this division is to provide for an economic development council consisting of business leaders, economic development leaders, and others; to advise the city commission on economic development issues and to review the implementation of the City of Polson Economic Development Plan as adopted by commission resolution.

Sec. 2.05.410. Creation; powers, duties and authority; membership.

A. Creation; powers, duties and authority. The city commission creates the economic development council (EDC) and authorizes the EDC to exercise any of the following powers and duties:

1. Advise the city commission on economic development issues.
2. Review the implementation of the City of Polson Economic Development Plan and provide related recommendations.
3. Adopt bylaws, subject to the approval of the city commission, for the operation of the board.
4. The council may have such other duties and responsibilities as the city commission, from time to time, may direct.
5. The actions of the council shall be advisory only and shall not constitute policy of the city and shall not be binding upon the city commission or upon the city. The city may adopt all or any part of any recommendation of the council, with or without any changes made by the city commission as city policy.

B. Members; appointments and terms.

1. All appointments to the EDC shall be made by the city commission.
2. The majority of councilmembers shall be business leaders and economic development leaders.
3. Membership.
 - a. There shall be seven members of the economic development council and there shall always be at least five but not more than seven members of the EDC, amendable from time to time by duly approved resolution of the city commission. The terms of the initial seven members shall be as follows.
 - b. One member to serve for one year, two members to serve for two years, two members to serve for three years and two to serve for terms of four years from the date of their appointment. After initial terms, councilmembers shall serve three year staggered terms. Each member may be reappointed without any limitation on the number of reappointments. Vacancies shall be filled in the same manner as original appointments for the balance of the term remaining.
4. The city commission shall affirm one city commissioner to act as liaison between the council and commission.
5. A councilmember shall receive no compensation for the councilmember's service. Councilmembers shall be entitled to previously authorized expenses, including travel expenses, incurred during the discharge of duties.
6. Persons of legal age may be appointed to the council. A majority of the council shall be residents of the city. Nonresident members of the council

shall have some interest in the city by virtue of working in the city or owning property in the city.

7. A councilmember may be removed by a majority vote of the city commission for any reason.

C. Office of agency; staff support. The council shall maintain its records in the office of the city staff person designated to assist the council. The staff person so designated shall attend most meetings of the council and will be responsible to assist the council in the scheduling of meetings, preparation and distribution of agendas and meeting minutes and perform other supportive functions that may be considered reasonable in the execution of the duties of the council. The staff person may also serve as the liaison between the council, the city manager and the city commission.

D. Meetings; election of officers.

1. The economic development council shall hold meetings as it deems necessary to execute its powers and duties as provided in this section.
2. The economic development council shall adopt bylaws enabling it to elect officers, set officer terms, and establish regular meeting times.

E. Duration. The economic development council shall remain in effect as long as necessary to achieve the goal of the council.

F. Ethics provisions. All council activities and members are subject to all other provisions of this Code, including the code of ethics.

G. State law applicable. All meetings of the council shall be subject to the open meeting laws and may not be held with less than 48 hours' notice. All written and electronic information shall be considered a public record and subject to disclosure pursuant to state law.

Secs. 2.05.420-2.05.499. Reserved.

DIVISION 5. URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT

Sec. 2.05.500. Purpose and intent.

Sec. 2.05.510. Creation: powers and duties.

Sec. 2.05.520. Members: appointment and terms.

Sec. 2.05.530. Meetings: elections of officers: records: ethics.

Sec. 2.05.540. Annual reports.

Sec. 2.05.550. Reserved.

Secs. 2.05.560-2.05.599. Reserved.

Sec. 2.05.500. Purpose and intent.

The purpose and intent of this division is to provide for the authority of the city commission to create advisory boards comprised of citizens of Polson, Montana to assist in the administration and implementation of urban renewal, tax increment financing, and other districts created pursuant to Title 7, Chapter 15, Parts 42 and 43, MCA, which may be granted authority

to use tax increment financing. The city has created at Ordinance No. 559, January 19, 1999; effective February 19, 1999, a Urban Renewal Planning Commission. This Ordinance is intended to modify, amend and supplement the previous actions of the council, now commission.

Sec. 2.05.510. Creation; powers and duties.

The city commission shall by resolution or ordinance create an urban renewal board or economic development district board to exercise any of the powers authorized pursuant to Title 7, Chapter 15, Parts 42 and 43, MCA which are specifically authorized for that board by the city commission.

Sec. 2.05.520. Members; appointment and terms.

- A. All appointments to a board created pursuant to this division will be made by the city commission.
- B. A board created pursuant to this division shall consist of at least five members-with the initial terms as follows: one member appointed for one year, one for two years, two for three years, and the fifth member for four years. Each appointment thereafter shall be for four 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.
- C. The city commission may determine in the resolution or ordinance creating the board that some positions must be filled by persons with specific backgrounds, expertise, or experiences, while other positions may be at large.
- D. Each board member shall hold office until the board member's successor has been appointed and has qualified.
- E. A board member shall receive no compensation for the board member's services, but shall be entitled to previously authorized expenses, including travelling expenses, incurred in the discharge of the board member's duties.
- F. Any persons may be appointed as board members if they reside within the municipality.
- G. A board member may be removed for inefficiency, neglect of duty or misconduct in office, or as provided for by law.

Sec. 2.05.530. Meetings; elections of officers; records; ethics.

- A. A board created pursuant to this division shall hold meetings as it deems necessary to execute its powers and duties as provided for by resolution or ordinance of the city commission.
- B. A board created pursuant to this division shall adopt bylaws enabling it to elect officers, set officer terms and establish regular meeting times. All bylaws must be approved by the city commission.

- C. All meetings of the board are subject to the open meetings provisions of Montana law and all proceedings of the board shall be subject to the public records requirements of Montana law.
- D. Board members are subject to the state and city's code of ethics.

Sec. 2.05.540. Annual reports.

A board created pursuant to this division shall file with the city commission, on or before September 30th of each year a report of its activities in compliance with MCA 7-15-4237 for the preceding fiscal year and shall publish notice of said report.

Sec. 2.05.550-2.05.599. Reserved.

DIVISION 6. RESERVED

Secs. 2.05.600-2.05.699. Reserved.

DIVISION 7. RESERVED

Secs. 2.05.700-2.05.799. Reserved.

DIVISION 8. RESERVED

Secs. 2.05.800-2.05.899. Reserved.

DIVISION 9. ZONING COMMISSION

Sec. 2.05.900. Established—Powers and duties.

Sec. 2.05.910. Jurisdiction.

Sec. 2.05.920. Composition.

Secs. 2.05.930-2.05.999. Reserved.

Sec. 2.05.900. Established—Powers and duties.

Pursuant to and under the provisions of MCA Title 76, the city commission does create and establish a municipal zoning commission as provided in the title, and does by this chapter adopt all of the sections of the laws of the state previously mentioned that specifically pertain to a municipal zoning commission, granting and delegating to the zoning commission all of the rights, privileges, powers, duties and responsibilities thereto appertaining.

Sec. 2.05.910. Jurisdiction.

The zoning commission shall have such jurisdiction as provided by state law. The city commission may appoint the city-county planning board as the zoning commission as stated in Section 76-1-108, MCA. In the event such appointment is made, the zoning commission shall consist of the members of the city-county planning board.

Sec. 2.05.2720. Composition.

The zoning commission shall consist of five members, appointed to two-year terms to expire as follows:

- A. Two members appointed by the city commission. The appointments shall be for two-year terms, with those terms to expire on December 31 of even-numbered years.
- B. Three members appointed by the city commission. The appointments shall be for two-year terms, with those terms to expire on December 31 of odd-numbered years.
- C. Alternates. The city commission may designate up to two members of the city/county planning board who, only in the event that the zoning commission does not have an available quorum, may act as an alternate member to enable the zoning commission to conduct business.
- D. The city clerk shall certify the members appointed by the city commission. The certificates shall be sent to and become a part of the records of the zoning commission.

Secs. 2.05.930-2.05.999. Reserved.

DIVISION 10. BOARD OF ADJUSTMENT

Sec. 2.05.1000. Established—Powers and duties.

Sec. 2.05.1010. Jurisdiction.

Sec. 2.05.1020. Composition.

Sec. 2.05.1030. Procedures.

Secs. 2.05.1040-2.05.1099. Reserved.

Sec. 2.05.2800. Established—Powers and duties.

- A. Pursuant to and under the provisions of Title 76, Chapter 2, Part 3, Montana Code Annotated, the city commission may create and establish by resolution a municipal board of adjustment (BOA) as provided in the title, and does by this chapter adopt all of the sections of the laws of Montana previously mentioned that specifically pertain to a municipal BOA. The city commission may choose to retain to itself the role and responsibilities of the BOA.
- B. If the city commission chooses to establish a BOA separate from the city commission by appointing members, the city commission shall by resolution grant and delegate to the board of adjustment those of the rights, privileges, powers, duties and responsibilities as they deem appropriate while retaining to itself those privileges, powers, duties and responsibilities not so delegated.
- C. The city commission may by resolution dissolve a previously constituted BOA and by such resolution shall reclaim to itself all authority and responsibility of the board and any applications which may be in review process at that time for which

a public hearing or public meeting before the BOA has been advertised. A resolution to form or dissolve a BOA shall not be passed until after the city commission shall hold a public hearing on the resolution after giving public notice meeting the requirements of MCA 7-1-4127. Adoption of a resolution establishing or dissolving a BOA shall have such an effective date as will not interfere with the consideration of a development application for which a public hearing has been noticed.

Sec. 2.05.1010. Jurisdiction.

The board of adjustment shall have such jurisdiction as provided by state law and delegated by the city commission.

Sec. 2.05.1020. Composition

When a separate board is appointed, it shall consist of seven members. The term of appointment is for three years, with staggered terms. Members shall be appointed by the city commission. A member may be removed per MCA 76-2-322. In selecting the members, the city commission shall give preference to residents of the city. However, where a qualified resident is not available to serve, the city commission may appoint up to one nonresident member who practices professionally, owns property or owns a business within the city. Preference should be given to applicants who have prior experience with local government, who will uphold the intent and purpose of the city's land use regulations, and who will honor the purpose of a board of adjustment.

Sec. 2.05.2830. Procedures.

The BOA will be convened as necessary to review applications and conduct such other business as may be delegated by the city commission or necessary to the proper function of the board. To accomplish this purpose, certain procedures shall be adopted which may include, without limitation, a regularly scheduled meeting attended by members of the BOA. A record of the reviews and decisions shall be made. These records shall be preserved as part of the official proceedings for each development proposal. The BOA shall generally follow "Robert's Rules of Order" and may prepare and adopt supplemental procedural rules, upon the approval of the city commission, that will ensure the accomplishment of the stated purpose and promote the efficiency and effectiveness of the review process. The concurring vote of four members of the BOA is required to approve or approve with conditions any application or other action.

Secs. 2.05.1040-2.05.1099. Reserved.

DIVISION 11. JOINT AIRPORT BOARD

Sec 2.05.1100. Creation of joint board.

Sec 2.05.1110. Board personnel.

Sec 2.05.1120. Duties of board.

Sec 2.05.1130. Duration of agreement.

Sec 2.05.1140. Polson airport contract.

Secs. 2.05.1150-2.05.1199. Reserved.

Sec 2.05.1100. Creation of joint board.

By a joint resolution of the board of county commissioners of Lake County, the Poison city council, the Ronan city council and the St. Ignatius town council, originally adopted November 3, 1947, there is hereby established a joint airport or landing field in Lake County, all pursuant to the authority granted by state law.

Sec 2.05.1110. Board personnel.

The joint airport board shall consist of five members appointed by the governing bodies of each participant. Two shall be appointed by Lake County, one from the city of Ronan, one from the town of St. Ignatius and one from the city of Polson. Each member shall be appointed for a three-year term. Members shall receive such compensation as may be established from time to time by the board.

Sec 2.05.1120. Duties of board.

The board shall have jurisdiction over the planning, acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of all airports in Lake County. The board shall also send each governing body a copy of its meeting minutes and budget.

Sec 2.05.1130. Duration of agreement.

This agreement for a joint airport board shall be effective for 20 years and may be renewed by mutual agreement of the participating members.

Sec 2.05.1140. Polson airport contract.

The joint board shall contract for operation of the Polson airport with such individual or individuals as it feels will be responsible for the proper administration of the airport. Said individual or individuals shall receive such compensation as may be established in the contract.

Secs. 2.05.1150-2.05.1199. Reserved.

DIVISION 12. GOLF BOARD

Sec. 2.05.1200. Creation; membership

Sec. 2.05.1210. Duties

Sec. 2.05.1220. Compensation

Secs. 2.05.1230-2.05.1299. Reserved.

Sec. 2.05.1200. Creation; membership.

There is hereby created an advisory board to be known as the City of Polson Golf Course Board which shall consist of seven members. The majority of the board members must be city residents. One member shall be chosen from each ward of the city by the commissioners representing that ward, with the advice and consent of the commission. The initial terms of service shall be one, two, and three years, to provide for the staggering of terms. In the event a member must resign before the expiration of his or her term of service a new member shall be appointed in the manner described herein to complete the term of

the member that is replaced. Three members shall be appointed at large, without limitation as to residency, by the city manager and upon the consent of the commission.

Sec. 2.05.1210. Duties.

The Polson Golf Course board shall serve as an advisory board to the commission. The golf superintendent, golf professional and the liquor manager shall annually consider and submit to the council for approval a fiscal year budget and golf course fee structure as those matters are encompassed within their respective duties, taking into consideration recommendations by the golf board. The golf board shall review the budgets as presented prior to adoption by the commission. The board shall consider issues pertaining to the Polson Golf Course brought to them by the season pass holders, the golfing public and Polson city residents. The board shall address those issues and make recommendations to the commission if action is necessary.

Sec. 2.05.1220. Compensation.

The members of the board shall receive no compensation, unless otherwise provided by the commission.

Secs. 2.05.1230-2.05.1299. Reserved.

DIVISION 13. POLICE COMMISSION.

Sec. 2.05.1300. Police Commission created.

Secs, 2.05.1310-1399. Reserved.

Sec. 2.05.1300. Police Commission created.

There is hereby created for the city a commission as provided in Section 7-32-4151, MCA to be known as the Polson Police Commission. 7-32-4151. The manager shall nominate and, with the consent of the city commission, appoint three residents of the city who shall have the qualifications required by law to hold a municipal office therein. The police commission shall have all duties, responsibilities and powers provided by Montana law and shall operate in accordance therewith.

Secs, 2.05.1310-1399. Reserved.