

COUNCIL BILL NO. 15-1

ORDINANCE NO. 15-1

1 AN EMERGENCY ORDINANCE AMENDING SECTIONS 2.94.050 AND 2.94.060  
2 OF CHAPTER 2.94 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC)  
3 PROVIDING FOR A CHANGE IN THE NUMBER OF AT LARGE MEMBERS OF THE  
4 "SUPERFUND ADVISORY AND REDEVELOPMENT TRUST AUTHORITY" FROM  
5 SEVEN MEMBERS TO ELEVEN MEMBERS; PROVIDING FOR THE LENGTH OF THE  
6 TERMS OF OFFICE FOR THE MEMBERS OF THE "SUPERFUND ADVISORY AND  
7 REDEVELOPMENT TRUST AUTHORITY" AND PROVIDING FOR AN EFFECTIVE  
8 DATE HEREIN.

9 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS OF  
10 THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

11 SECTION 1: The Council of Commissioners recently passed  
12 Ordinance 14-14, establishing a "Superfund  
13 Advisory and Redevelopment Trust Authority",  
14 ("Authority") consisting of seven members whose  
15 purpose was to direct, manage and distribute  
16 Redevelopment Trust Funds in a manner that  
17 complied with the provisions set forth in the  
18 "Allocation and Settlement Agreement and Mutual  
19 Release of Claims By and Between the City and  
20 County of Butte-Silver Bow and Atlantic Richfield  
21 Company" (Agreement) and subsequent Addenda to  
22 the Agreement, in order to address the long-term

1 improvement, redevelopment/re-use, cleanup,  
2 treatment, management, monitoring and/or  
3 maintenance of remediated and unremediated  
4 Superfund and/or other environmentally impacted  
5 properties/sites within the entirety of the City  
6 and County of Butte-Silver Bow.

7 SECTION 2: The Council of Commissioners hereby finds that in  
8 order to acquire the most comprehensive knowledge  
9 and the most expertise from community members to  
10 establish public confidence that the advice the  
11 local government is receiving regarding how to  
12 utilize these funds from the Redevelopment Trust  
13 account on infrastructure projects, maintenance  
14 and protection programs, and general economic  
15 development activities that best serve the  
16 community interest and general public welfare,  
17 the membership of the Authority should be  
18 increased from seven to eleven members.

19 SECTION 3: The Council hereby further finds that in order to  
20 save public time and resources and allow this  
21 Authority to begin undertaking the above functions  
22 as soon as possible it in the best interests of  
23 the community to pass this emergency ordinance  
24 amending Section 2.94.050 and 2.94.060 of the BS-

1 B MC to allow for the at large membership of the  
2 Authority to be increased from seven members to  
3 eleven members and to set forth the terms of the  
4 members of the Authority.

5 SECTION 4: Section 2.94.050 n of the Butte-Silver Bow  
6 Municipal Code (B-SB MC) shall be amended to read  
7 as follows:

8 "2.94.050 Authority Established. In order to  
9 carry out the purpose of this chapter, and in  
10 compliance with the provisions of the Agreement, a  
11 Superfund Advisory and Redevelopment Trust  
12 Authority is created. This Authority shall  
13 consist of eleven voting members and four ex-  
14 officio members, all residents of the City-County,  
15 as follows:

16 A. A member shall have professional expertise in  
17 the discipline of Land Use, nominated by the BSB  
18 Planning Board and confirmed by the BSB Council  
19 of Commissioners;

20 B. A member shall have professional expertise in  
21 the discipline of Medicine or Health Science,  
22 nominated by the BSB Health Board and confirmed  
23 by the BSB Council of Commissioners;

1 C. A member shall have professional expertise in  
2 the discipline of Cultural Heritage or Historic  
3 Preservation, nominated by the BSB Historic  
4 Preservation Commission and confirmed by the BSB  
5 Council of Commissioners;

6 D. The remaining eight members shall be At-Large  
7 from the community, nominated by the Chief  
8 Executive and confirmed by the BSB Council of  
9 Commissioners. To the extent practicable, these  
10 at-large members should have demonstrated  
11 knowledge or professional experience or training  
12 in one or more of the following disciplines,  
13 including but not limited to finance, investment  
14 or accounting; sciences (physical, biological)  
15 or engineering; parks and recreation; education;  
16 local business management/ownership.

17 E. Four Ex-Officio members, including the BSB  
18 Chief Executive, the BSB County Attorney, a  
19 member of the BSB Council of Commissioners, and  
20 a representative of AR, should AR choose to  
21 exercise this right."

22 SECTION 5: Section 2.94.060 of the Butte-Silver Bow Municipal  
23 Code (B-SB MC) shall be amended to read as  
24 follows:

1                   "2.94.060 Appointment - Terms - Vacancy.

2                   A.    Terms of office for Authority members shall  
3                   be staggered and shall be three years in  
4                   duration.       For the initial term, upon  
5                   enactment of this ordinance, three members  
6                   shall be appointed for one year, four members  
7                   shall be appointed for two years and four  
8                   members shall be appointed for three years.  
9                   The number of consecutive terms served by any  
10                  one member will determined by the Authority  
11                  upon adoption of its By-Laws.

12                  B.    Vacancies on the Authority shall be filed  
13                  within sixty days by appointment by the Chief  
14                  Executive and are subject to the confirmation  
15                  of the Council of Commissioners for the  
16                  unexpired portion of the term."

17 SECTION 6:       Effective Date.   This Ordinance shall be in full  
18                   force and effect upon passage and approval.

19 SECTION 7:       Termination Date.   This Ordinance shall be in full  
20                   force and effect for a period of ninety (90) days,  
21                   unless otherwise repealed by the governing body.

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23                   PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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CINDI SHAW  
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS  
APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
MATT VINCENT  
CHIEF EXECUTIVE

ATTEST:

SALLY J. HOLLIS  
CLERK AND RECORDER

\_\_\_\_\_  
BY \_\_\_\_\_  
\_\_\_\_\_  
ITS \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
EILEEN JOYCE  
COUNTY ATTORNEY

\_\_\_\_\_  
DAVID WALKER  
CHAIRMAN, JUDICIARY COMMITTEE