

ORDINANCE NO. 04-5282

AN ORDINANCE OF THE CITY OF BILLINGS, MONTANA, AMENDING AND SUPERCEDING THE CODE OF ORDINANCES, CITY OF BILLINGS, SECTION 15-104(a) through (e); APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAUREL, CITY OF BILLINGS, AND YELLOWSTONE COUNTY CREATING A MULTI-JURISDICTIONAL SERVICE DISTRICT NAMED YELLOWSTONE CITY-COUNTY HEALTH DEPARTMENT AND CREATING THE AIR POLLUTION CONTROL PROGRAM.

1. WHEREAS, agreements between local governments may be created by interlocal agreement; and
2. WHEREAS, the Yellowstone County, Montana (the “COUNTY”), the City of Billings, Montana (“BILLINGS”), the City of Laurel, Montana (“LAUREL”), and the Town of Broadview, Montana (“BROADVIEW”) are each a “public agency” as defined under the Interlocal Cooperation Act, Mont. Code Ann. Section 7-11-101 *et seq.* (hereafter the “INTERLOCAL ACT”); and
3. WHEREAS, the INTERLOCAL ACT permits, and BILLINGS desires, to make the most efficient use of its powers by entering into a cooperative agreement with LAUREL, the COUNTY, and BROADVIEW, on a basis of mutual advantage, and thereby to provide services and facilities in a manner and pursuant to forms of government organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities, and therefore, the COUNTY, LAUREL, BILLINGS, and BROADVIEW (individually referred to herein as a “PARTY,” and collectively as the “PARTIES”), desire to enter into the interlocal agreement (the “AGREEMENT”); and
4. WHEREAS, the PARTIES may form multi-jurisdictional service districts to provide

a higher level of service than is available through any one particular public agency forming the multi-jurisdictional service district; and

5. WHEREAS, under the INTERLOCAL ACT, the PARTIES may contract with each other to delegate the performance of certain administrative services, activities, or undertakings to the boards created under this AGREEMENT, including, but not limited to, the hiring of, or contracting with, professional persons licensed under Mont. Code Ann., Title 37; and

6. WHEREAS, the AGREEMENT outlines the purposes, powers, rights, obligations, and responsibilities of the PARTIES and shall be authorized and approved by this ORDINANCE, as well as by similar ordinances enacted by each PARTY; and

7. WHEREAS, pursuant to the provisions of the INTERLOCAL ACT, any PARTY may appropriate funds for, and may sell, lease, or otherwise give or supply to, the administrative boards created under the AGREEMENT for the purpose of performance of the AGREEMENT and may provide such personnel or services therefore as may be within each PARTY's legal power to furnish; and

8. WHEREAS, on February 11, 2002, Billings passed, adopted and approved Ordinance No. 02-5184, AN ORDINANCE OF THE CITY OF BILLINGS, MONTANA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF BILLINGS, BE AMENDED BY ADDING A SECTION TO BE NUMBERED, 15-104(a) through (e); APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAUREL, CITY OF BILLINGS, AND YELLOWSTONE COUNTY CREATING A MULTI-JURISDICTIONAL SERVICE DISTRICT NAMED YELLOWSTONE CITY-COUNTY HEALTH DEPARTMENT (hereafter the "FIRST INTERLOCAL AGREEMENT"); and

9. WHEREAS, LAUREL and the COUNTY passed similar ordinances approving the FIRST INTERLOCAL AGREEMENT; and

10. WHEREAS, the AGREEMENT supercedes the FIRST INTERLOCAL AGREEMENT; and

11. WHEREAS, BILLINGS desires to enter into this AGREEMENT under which, by Article I of this AGREEMENT, a multi-jurisdictional health service district named Yellowstone City-County Health Department (hereinafter "YCCHD"), is created;

12. WHEREAS, under the provisions of Mont. Code Ann. Section 7-11-1102(2)(i), health department functions, as described in Title 50, Chapter 2 of the Montana Code Annotated shall be provided for the benefit of the PARTIES by YCCHD; and

13. WHEREAS, under the provisions of Mont. Code Ann. Section 7-11-1102(2)(i), YCCHD shall provide health services and related services to, and for the benefit of, the PARTIES; and

14. WHEREAS, under the provisions of Mont. Code Ann. Section 7-11-1102(2)(h), and the provisions of the Clean Air Act of Montana, Mont. Code Ann. Section 75-2-101 *et seq.* (hereafter the "CLEAN AIR ACT"), BILLINGS desires to participate in the Air Pollution Control Program (the "PROGRAM") established under the AGREEMENT, to be administered as a multi-jurisdictional service district consistent with the provisions of the CLEAN AIR ACT; and

15. WHEREAS, it is the intent of BILLINGS that by entering into the AGREEMENT by enacting this ORDINANCE, the members of the BOARD OF HEALTH, as defined and as appointed under the terms of the AGREEMENT, shall constitute the Air Pollution Control Program Board; and

16. WHEREAS, the provisions of the Mont. Code Ann. Section 7-11-1101 *et seq.* and the CLEAN AIR ACT provide that the PARTIES may administer the PROGRAM in cooperation with each other and BILLINGS desires to participate in the administration of the PROGRAM by entering into the AGREEMENT; and

17. WHEREAS, BILLINGS, by this ORDINANCE hereby authorizes the creation and administration of the PROGRAM, as provided in Article II of the AGREEMENT; and

18. WHEREAS, the City Council of BILLINGS authorizes the execution of the AGREEMENT by the Mayor and City Clerk of BILLINGS, for and on behalf of BILLINGS.

NOW, THEREFORE, the City Council for the City of Billings, Montana adopts the following ORDINANCE:

Section 1. Ordinances. Section 15-104 of the Code of Ordinances of the City of Billings shall be amended to read as follows:

Sec. 15-104(a). Multi-jurisdictional Service District named Yellowstone City-County Health Department.

- (1) There shall be a multi-jurisdictional service district named as the Yellowstone City-County Health Department (“YCCHD”);
- (2) The services to be provided by the district shall include the provision of health department functions, health services and related services, as permitted by Mont. Code Ann. Section 7-11-1102(2)(i);
- (3) For the provision of health department functions, the boundary of YCCHD shall be the boundary of Yellowstone County provided, however, YCCHD may contract with other local government units within the State of Montana and the State of Montana for the provision of health department functions outside the boundary of Yellowstone County, but YCCHD shall allocate no funds from tax levies or appropriations from the City’s general fund for the health department functions provided by YCCHD outside the boundary of Yellowstone County.
- (4) For the provision of health services and related services, the boundary of YCCHD shall be the boundary of the State of Montana, provided, however, that YCCHD shall allocate no funds from tax levies or appropriations from the City’s general fund for

health services or related services provided by YCCHD outside Yellowstone County.

- (5) The administration of the District will be through an Interlocal Agreement, and the Mayor and City Clerk are authorized and instructed to execute the Interlocal Agreement for and on behalf of the City of Billings;
- (6) The costs of services and methods of financing the district are described in the Interlocal Agreement.
- (7) Subject to the provisions of Mont. Code Ann. Section 15-10-420, the maximum property taxes it may assess for use in the District shall be no more than the amount permitted under Article I of the Charter of the City of Billings.

Sec. 15-104(b). Multi-jurisdictional Service District named Air Pollution Control Program.

- (1) There shall be a multi-jurisdictional service district named as the Air Pollution Control Program (the “Program”);
- (2) The services to be provided by the district shall include the provision of air pollution control services consistent with the provisions of the Clean Air Act of Montana, Mont. Code Ann. Section 75-2-101 *et seq.*
- (3) For the provision of air pollution control services, the boundary of the Program shall be the boundary of Yellowstone County, except as modified under the provisions of the Clean Air Act of Montana;
- (4) The administration of the District will be through an Interlocal Agreement, and the Mayor and City Clerk are authorized and instructed to execute the Interlocal Agreement for and on behalf of the City of Billings;
- (5) The costs of services and methods of financing the District are described in the Interlocal Agreement.
- (6) Subject to the provisions of Mont. Code Ann. Section 15-10-420, the maximum property taxes it may assess for use in the District shall be no more than the amount permitted under Article I of the Charter of the City of Billings.

Section 2. AMENDMENT OF INTERLOCAL AGREEMENT. The Interlocal Agreement may be amended by written modification between the parties to the Interlocal Agreement without an ordinance approving the amendment, except for those matters described in Mont. Code Ann. Section 7-11-1106, which require an amendment to the ordinance.

Section 3. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after

second reading and final adoption as provided by law.

Section 4. **REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. **SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 10th day of May, 2004.

PASSED, ADOPTED and APPROVED on second reading this 24th day of May, 2004.

CITY OF BILLINGS

By _____
Charles F. Tooley Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk