
ADMINISTRATIVE ORDER NO. 45

Pursuant to Administrative Order, there is hereby created a **"Development Process Advisory Review Board"** with the appropriate bylaws. The Board bylaws operating procedures are outlined in the attached document, which is made a part of this Administrative Order.

Dated this 1st day of April, 1997.



Mark S. Watson, City Administrator

**ADMINISTRATIVE ORDER No. 45 ESTABLISHING THE
DEVELOPMENT PROCESS ADVISORY REVIEW BOARD
BY LAWS**

ARTICLE I - NAME

Section 1. The name of the Board will be the "Development Process Advisory Review Board", hereinafter referred to as the "Board".

ARTICLE II - PURPOSE

Section 1. The purpose of this Board is a follows:

1. To act as an advisory board to the City Administrator in regards to the entire development process, its related policies, and procedures.
2. To review & evaluate the administration of the development process.
3. To review & evaluate policies which affect the development process.
4. To serve as an appeals board for development issues which are not addressed by existing procedures, rules, or regulations.

ARTICLE III - AUTHORIZATION

Section 1. The authorization for creating a Development Process Advisory Review Board is based upon City Ordinance 4153, which authorized the Billings, Montana City Administrator to promulgate administrative orders within areas of powers and duties conferred by the Billings City Charter Article IV Executive.

ARTICLE IV - MEMBERSHIP

Section 1. All appointments to the Board shall be made by the City Administrator.

Section 2. The Board shall consist of five (5) members, and one (1) ex-officio member representing the City Administrator's Office. The City Administrator shall appoint the five (5) members from the following categories:

1. Three (3) Members representing the Development Community; namely local developers, engineers, architects, builders, or contractors.
2. At least one (1) Member of the community representing the citizen's interest in the quality of life.
3. One (1) member representing the extra-territorial jurisdiction of the City.

Section 3. Preference for the initial appointment of the three (3) members representing the development community shall be given to members of the current Mayor's Task Force in order to maintain the continuity of the Task Force recommendations as approved by City Council on January 27, 1997. Terms shall be for a 2-year period beginning April 1, 1997.

Section 4. The City Administrator or his designee shall represent the City Administrator's Office and serve as an ex-officio member of the Board.

Section 5. The five (5) members of the Board appointed by the City Administrator shall serve at the pleasure of the City Administrator and may be removed from the Board by the City Administrator at any time, with or without cause, upon thirty (30) days written notice.

ARTICLE V - OFFICERS

Section 1. The officers of the Board will be the Chairman, Vice-Chairman, and Secretary. The Chairman will be selected from among the Officers, and shall appoint the Vice-Chairman and Secretary.

Section 2. Duties:

- A. Chairman - The Chairman will be the Chief Officer of the Board and will preside at all meetings of the Board. The Chairman will have the general powers and duties and management usually vested in the office of chairman of any organization and will be an ex-officio member of all Board established committees or sub-committees and will have such other duties and powers as may be prescribed by the Board.
- B. Vice-Chairman - The Vice-Chairman will perform the duties and exercise the same powers as the Chairman in the event that the Chairman is absent and/or unable to carry on those responsibilities. The Vice -Chairman will further perform such other duties as may be prescribed by the Chairman.
- C. Secretary - The Secretary shall be a City staff person who is not a member of the Board. Duties of the Secretary are to keep general summaries of the various meetings, prepare correspondence, and notify members of regular and special meetings.

ARTICLE VI - RESPONSIBILITIES & DUTIES

Section 1. The Development Process Advisory Review Board is specifically charged by the City Administrator with the following responsibilities and duties:

- A. The Board is responsible for reviewing and evaluating the City's existing development policies and procedures which affect the development process and which are not

governed by State or Federal regulations and making recommendations concerning those policies and procedures to the City Administrator.

- B. The Board is responsible for reviewing and evaluating the administration by City Staff of the development process, including, but not limited to, the timeliness, consistency, and cooperation of that process and making recommendations concerning administrative improvements to the City Administrator.
- C. The Board shall be governed in their deliberations by all relevant Rules & Regulations governing the Development & Building Codes as promulgated by Federal & State Law, and make no recommendations contrary to such.

ARTICLE VIII - MEETINGS

Section 1. Regular meetings of the Board will be held once each month.

Section 2. Special meetings may be called by the Chairman or by a request of a majority of members.

Section 3. A quorum shall consist of three (3) of the appointed members of the Board.

Section 4. Voting will be done in person, with no proxy votes allowed.

Section 5. Members will be notified of meetings by the Secretary of the Board no less than two (2) weeks prior to a regularly scheduled meeting.

Section 6. A meeting may be canceled by the Chairman for the following reasons:

- A. Lack of a quorum.
- B. Weather conditions prohibiting travel.
- C. Reasonable circumstances consistent with general consensus or the conduct of business.

Section 7. The meetings shall be governed by Roberts Rules of Order and shall be conducted as follows:

- A. Roll Call
- B. Minutes of the preceding meeting and action thereon.
- C. Unfinished business.
- D. New business.
- E. Adjournment.

ARTICLE IX - APPEALS

Section 1. A definition(s) of what constitutes an appeal and how the appeal process will function shall be established by the Board working with Staff within the parameters established by the City's existing development process rules and regulations.

Section 2. Once a definition(s) of what constitutes an appeal and how appeals shall be heard is established by the Board, it shall be publicized and made available throughout the development community by the Board and the City's Development Departments.

Section 3. An appeal form shall be created for the public record by the City for the submission of all appeals, which shall contain:

- A. The appropriate City Code sections, where applicable.
- B. A summary of the appeal.
- C. A tracking number for computerized tracking and disposition.
- D. A sign-off & date for appellant, Board Chairman, & City Administrator.
- E. A resolution section for Board & City Administrator.

Section 4. A valid appeal as defined by the Board shall be submitted immediately on behalf of the appellant by the City Division or Department manager to the designated Appeal body determined by the Board after failure to resolve the issue by a documented meeting which takes place at least once with all parties.