

RESOLUTION 23-11164

A RESOLUTION RESCINDING AND REPEALING RESOLUTION NO. 04-18101 ESTABLISHING A PUBLIC ART POLICY

WHEREAS, on March 22, 2004, City Council approved Resolution No. 04-18101, creating a policy to address public art and an ad hoc committee to make recommendations to City Council regarding appropriateness and placement of public art; and

WHEREAS, the policy established by this resolution requires this committee to be convened as necessary to review any art to be displayed on City property; and

WHEREAS, Billings, Montana City Code (BMCC), Article 2-500 requires all committees, boards, and commissions to follow the rules and procedures set forth in that article; and

WHEREAS, some of the requirements of the resolution are unclear and must be clarified before the policy can be properly implemented; and

WHEREAS, the resolution does not clearly define "public art" nor does it clearly state that the policy applies to art loaned to, gifted to, or purchased by the City; and

WHEREAS, the policy requires appointments of "two representatives that have an interest in the project" to the ad hoc committee but it is unclear who is to make those appointments; and

WHEREAS, another two appointments of members to this ad hoc committee are made by the Mayor which, as set forth in BMCC 2-501.2, requires a 30 day notice of vacancy to be published prior to appointment. The appointments must then be placed on a regular meeting agenda for Council to consider; and

WHEREAS, these procedures and requirements for appointment of committee members is not practical or efficient for a committee that meets only as necessary; and

WHEREAS, the City desires to have a more effective and operational policy that may be convened easily and quickly to address art donations, loan offerings, or the commissioning of art by the City; and

WHEREAS, this policy has not been followed as it was overlooked for many years by City staff and as a result different departments created suitable policies to address art to be displayed on City property within those departments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA that the policy established creating a public art policy and an ad hoc review committee is rescinded and Resolution No. 04-18101 is repealed.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 11th day of September, 2023.



CITY OF BILLINGS

By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman Deputy for
Denise R. Bohlman, City Clerk

City Council Regular

Date: 09/11/2023

Title: Resolution to rescind Resolution No. 04-18101 - public art policy

Presented by: Gina Dahl

Department: Legal

Presentation: No

Legal Review: Yes

Project Number: N/A

RECOMMENDATION

Staff recommends Council rescind and repeal Resolution No. 04-18101 establishing a public art policy and ad hoc committee.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

On March 22, 2004, Council passed and approved Resolution No. 04-18101. This resolution creates an ad hoc committee to review art that is donated or loaned to the City for public display and make a recommendation to Council about appropriateness and placement. This resolution also requires a transfer of ownership for any art donated to the City.

For unknown reasons, the policy set forth in this resolution has not been used for many years and the City's current staff were unaware of it. City staff had established alternative procedures for public placement of art. For example, the Library board established a formal policy and a standing art committee in 2013 for art placed in the Library (attached). For art placed in City parks, the Parks Board considers and determines where art will be displayed. The Airport also has a formal policy to determine when art will be displayed at the Airport (attached). It may make sense to have separate, specialized policies for these departments because the art is generally donated to these specific departments. They need to have the ability to determine what fits in their space and, for the airport, in order to generate required revenue to support operations and capital requirements. Whether there is one policy for all city departments is something to be considered when developing a new policy for Council's consideration.

There were several public art projects currently in various stages of development in August 2023 when staff discovered the 2004 Resolution. Staff set out to implement the policy and convene a committee but discovered the policy to be cumbersome and impractical. City code requires all boards, committees (including ad hoc), and commissions to comply with the requirements of BMCC 2-500 (attached). This article of city code requires these committees follow the formal rules of procedure in section 2-507(8) which includes the same decorum and meeting protocol as regular City Council meetings. Additionally, all meetings must be open to the public with a public comment period, must have an agenda, minutes must be kept, etc.

The appointment process is not efficient or practical for an ad hoc committee that is only convened when necessary. Two committee members must be appointed by the Mayor, one member appointed by the Parks Board, and two members with an interest in the project are appointed, but the resolution does not specify who makes those appointments. In order for the mayor to make an appointment to a committee, Council must give its consent and therefore the appointments must be included on a regular agenda. Before that can occur, a 30-day notice to the public must be provided to solicit interest in the appointment. This process is not efficient for a committee that may need to be convened once, twice, or several times a year, depending on the number of art pieces/projects that are presented to the City. The policy also requires the committee to forward its recommendation to the City Administrator in order to be presented to Council for consideration. The committee's recommendation would then be included on a regular meeting agenda accompanied by a staff memo.

After realizing the time and processes required to implement the policy, City staff endeavored to follow the spirit of the policy as much as practical under the time and logistical constraints. Staff consulted with the Mayor and Administration to assemble and convene an ad hoc public art committee and has forwarded its recommendation to Council for consideration at this September 11 meeting. While staff is asking the Council to repeal the policy prior to considering the committee's recommendation, staff followed the intent of the 2004 Resolution as much as possible and believes the objective of the policy was accomplished.

One of the goals of the Mobilize the MAGIC City project is to conduct a feasibility study for a public art committee that would develop a clear and straightforward process for review of art to be displayed on City property. The new public art committee and process work is expected to be complete in early 2024 and will be shared with Council. It is

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[Signature]
CITY CLERK

expected that this study will result in a functional policy the City can implement to replace the current policy that has not been used for many years.

ALTERNATIVES

City Council may:

- Approve; or,
- Not Approve

FISCAL EFFECTS

SUMMARY

Staff requests Council repeal Resolution No. 04-18101 to allow staff to present a new policy regarding the public display of art on city property for Council consideration. This would also allow the current art pieces/projects to be considered by Council without a delay.

Attachments

Resolution 04-18101

Library policy

Airport policy

BMCC Article 2-500 - Boards, Commissions, and Committees

BMCC 2-224 - Ad hoc council advisory committees

proposed resolution

RESOLUTION NO. 04-18101

A RESOLUTION OF THE CITY OF BILLINGS ESTABLISHING A PUBLIC ART POLICY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of Billings is supportive of Public Art and the many benefits it provides to the community; and

WHEREAS, It is in the best interest of the citizens of the City of Billings that the City have a policy on the placement of public art on city property;

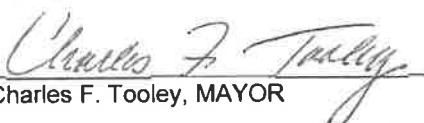
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. All public art gifted to the City of Billings will require a transfer of ownership through an agreement approved by the City Council.
2. A five person ad hoc review committee will make recommendations to the City Council on the appropriateness and the placement of public art. The committee shall consist of the following representatives:
 - a. Two members appointed by the Mayor, skilled and/or trained in the evaluation of art.
 - b. One member of the Parks, Recreation and Cemetery Board as appointed by that board.
 - c. Two representatives that have an interest in the project, however it shall not include a representative that is creating or donating the public art.
3. This ad hoc committee will forward their recommendation to the City Administrator or his designee for council consideration. Other approval processes may be incorporated into the review process as deemed appropriate by the City Council.

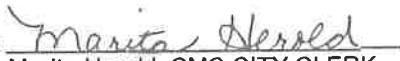
PASSED by the Billings City Council and APPROVED this 22nd day of March, 2004.



CITY OF BILLINGS

BY: 
Charles F. Tooley, MAYOR

ATTEST:

BY: 
Marita Herold, CMC CITY CLERK

BILLINGS PUBLIC LIBRARY ART MANAGEMENT POLICIES AND PROCEDURES

Approved by the Billings Public Library Board, 11 April 2013

WHEREAS, the Billings Public Library owns works of art and intends to exhibit works of art on a temporary basis in its public spaces, and

WHEREAS, the Billings Public Library has established a uniform, thoughtful, and practical art policy regarding works of art in its public spaces,

NOW THEREFORE, it resolves to establish Art Management Policies to guide the use and handling of art.

This document sets forth those management policies and procedures regarding art objects received and owned by the Billings Public Library.

SECTION 1: ART COMMITTEE

1.1 Composition of the Art Committee

The Billings Public Library Art Committee is a standing committee of the Billings Public Library Board and will make recommendations to the Board in accordance with policy.

The Committee shall consist of the following representatives:

- One member of the Billings Public Library Board,
- One member of the Billings Public Library Foundation Board,
- One member of the staff of the Yellowstone Art Museum,
- At least one representative from the art departments of the colleges in Billings,
- At least one community representative unaffiliated with the Library Boards,
- and the Library Director or his/her designee.

With the exception of the Library Director or designee, who is a permanent member of the Committee, Committee members will serve a three-year term with the potential for a second three-year term. No Committee member will serve more than two consecutive terms without a period off the committee of at least one year. The Committee will meet on an as-needed basis but no less frequently than once annually.

The Billings Public Library Art Committee does not assume any legal or financial function and does not supersede any City of Billings approval processes, including those of the City's own Art Commission.

1.2 Mission and duties of the Art Committee

The mission of the Art Committee is to create and facilitate a process through which potential additions or deletions from the Billings Public Library art collection and art exhibition program may be made. The Committee will establish and revise art policy statements, establish and revise management procedures for fine art, and participate substantively in public art commission processes in which the City of Billings may engage that affect the Library's property.

The Committee will review and recommend, by simple majority vote, non-binding action(s) to the Billings Public Library Board on offers to donate, lend, or dispose of art. The Committee is to provide consistent oversight and policy guidance for art-related issues, resolving issues relating to art collection management; review temporary art exhibition programming proposals; and resolve aesthetic disputes that may arise in connection with the Library's art collections or art programs. The Committee will seek to ensure that the aesthetic of the Billings Public Library building completed in 2014 is not compromised.

SECTION 2: ART ACQUISITION

2.1 Non-Collecting Institution

The Billings Public Library is periodically offered gifts of art or opportunities to buy art that a donor or seller believes is appropriate to the library. Two circumstances influence the Library's ability to respond to these offers: 1) the Library does not budget to acquire art, nor does the Library Foundation typically fundraise for the purpose of buying art; this circumstance is expected to continue into the foreseeable future and 2) the Library building opening in 2014 is not designed to maintain the security and environmental controls that high value and/or historic works require if they are to be responsibly maintained. For these reasons, and to maintain focus on the Library's core mission, the Billings Public Library will not actively collect art.

Should this policy be altered in the future, requiring procedures for art acquisition, the Art Committee should make reference to the Art Management Policies for the City of Billings, Art Acquisition section.

2.2 Objects Donated for Sale

Objects may be donated or bequeathed to the Library specifically for resale to benefit a Library project or other purpose. Decisions regarding disposition and sale of such objects will be made by the Art Committee in consultation with the donor or donor's executors and appropriate Library staff. The Library must secure the donor's or executor's written description of intent and authorization to sell.

SECTION 3: DISPOSAL OF ART

3.1 Reasons for Disposal

Objects in the Billings Public Library Art Collection shall be retained if 1) they continue to be relevant to the Library's art-related goals, 2) if the circumstances of acquisition require the Library to hold the work in perpetuity, and 3) if resources for responsible stewardship remain in

place. If one or more of these circumstances ceases to be in force, the Library may dispose of objects from the Art Collection. The following circumstances are examples of what may prompt disposal:

- An object was acquired inappropriately or on the basis of false information (for example, replicas or forgeries).
- An object has been discovered to be, or becomes, potentially hazardous.
- The condition of an object is too poor to justify display.
- The Art Committee has made a well-supported determination that a work is aesthetically inferior or otherwise does not support the mission to contribute to a collection of enduring cultural and aesthetic value.

3.2 Disposal Procedures

- In the case of objects whose value is estimated to be in excess of \$10,000, an appraisal will be obtained. For high value objects, a second appraisal may be warranted.
- The City of Billings shall ascertain, with the advice of counsel when necessary, that there are no legally binding or precatory restrictions against disposal. Before disposal, any City of Billings or Billings Public Library identification shall be removed from the object.
- A recommendation to dispose of an art object shall come before the Art Committee in writing. The written recommendation must include, where known, the artist, title, date, medium, dimensions, maintenance requirements, source, copyright status, condition, provenance, value, and justification for deletion from the Library's art collection.
- No gifts shall be disposed of contrary to any conditions or limits imposed by the Internal Revenue Service.
- Disposal of artistic, historic, or cultural objects by advertised public auction, sale, or trade on the public market, when permissible, shall be undertaken according to professionally accepted standards. Information regarding ownership of objects put up for sale shall be made available to the public, bearing the notice, "Sold by the order of the City of Billings, [date]."
- In the case of a work of art by a living artist, special consideration may be given to exchange with the artist. Living artists may hold moral rights under the federal Visual Artists' Rights Act that may limit the choice of disposal methods.
- Prior to disposal, objects of questionable or potentially problematic authenticity (replicas, reproductions, forgeries) must be clearly and permanently marked as such to prevent future misrepresentation. The Art Committee may recommend destruction of such objects; such recommendations must be part of the original recommendation to delete the object from the Library's art collection.
- Under no circumstances are Library staff who are involved in decisions to remove objects from the art collection permitted personally to purchase or acquire any objects removed from the art collection.

- Occasionally, it is necessary to destroy objects, especially when deterioration is too advanced for conservation to be practical. Once destruction is approved in accordance with the above procedure, objects must be destroyed under staff supervision. The process must be documented. Objects that may be classified as hazardous waste, or have elements that may be classified as hazardous waste (for example, electronic or photographic equipment), must be disposed of in compliance with all applicable laws. Appropriate records shall be kept in accordance with accepted registration standards.

SECTION 4: CONSERVATION AND CARE

4.1 Guidelines

- The Billings Public Library will make every effort, consistent with its resources, to protect objects in the art collection from fire, theft, vandalism, natural disaster, pest infestation, light, temperature extremes, relative humidity extremes, dirt, and other threats.
- It is the responsibility of the Library's Assistant Director or successor to make an annual inventory and review the physical condition of all objects in the art collection, working in consultation with appropriate experts as necessary. Works that appear to require the attention of a conservator must be brought to the attention of the Art Committee in writing. Conservation treatments are costly. If the value and importance of the object warrant, incurring the expense for conservation may be a necessary Library expense.
- In the event that an object is discovered to be missing, either through inventory check or other means, an incident report should be completed. If theft is suspected, Library staff must notify appropriate law enforcement authorities. Details of such discoveries must be included in the record for that object.

SECTION 5: EXHIBITION AND LOAN OF ART

5.1 Incoming Loans

The Billings Public Library will solicit or host loans of art to the Library within the scope of its temporary exhibition program. All proposed incoming loans or exhibitions shall be reviewed and approved by the Art Committee. The particulars of any object borrowed by the Billings Public Library must be documented in a loan agreement signed by the authorized representatives of the lender and the Library. All parties must sign loan agreements and contracts prior to arrival on site of any borrowed objects. The term of all loans must be specified in full in all loan forms, contracts, or cover letters, including renewal dates and options when applicable.

5.2 Ethical Concerns Relating to Incoming Loans

- Under no circumstances will the Billings Public Library borrow and/or exhibit material that would be considered illegal or unethical to include in its own art collection.
- The Library will not borrow or exhibit objects with suspect provenances or doubtful evidence of ownership.

- In rare instances, an incoming loan may not be able to be returned to its owner upon conclusion of the loan period. Because of the complexity of issues surrounding the rights of the Library, resolution of any problems caused by unclaimed loans shall be referred to City of Billings legal counsel. See also Montana Code Annotated §§ 22-3-501 to 22-3-523 for unclaimed loan legislation.

5.3 Outgoing Loans

The Billings Public Library welcomes requests from educational institutions wishing to borrow objects from the art collection. Loans will be made when all of the following conditions are met:

- Recommendations on all loans must originate with a written request from the borrower to the Art Committee. Loan requests must include the purpose and duration of the loan and state the borrower's agreement to cover all direct costs and comply with the City of Billings loan regulations. An exception would apply if the outgoing loan originates at the request of the Billings Public Library. The Art Committee must approve or deny the request in writing.
- No object shall be approved for loan unless it is judged to be in satisfactory condition for travel and it is fully documented, including photo-documentation.
- The Billings Public Library must determine the current market value of any outgoing object(s) for insurance purposes. Outgoing loans must be insured for their full value by the borrower. The borrower must further provide a certificate of insurance naming the City of Billings as additional insured prior to the departure of the object from City property. An exception would apply if the outgoing loan originates at the request of the Billings Public Library.
- No loans of unspecified duration shall be approved. Requests for renewal must follow the same procedures as approval of the original request; renewal does not follow automatically upon approval of the original request.
- All borrowers must comply with the Library's regulations regarding adequate and professional travel conditions, handling, documentation, photography, and similar matters. The borrower must sign a loan agreement, and no object shall be released until the Library is in receipt of the signed loan agreement.

SECTION 6: DOCUMENTATION

6.1 General

Basic documentation on each object in the art collection will be maintained including, but not limited to, the following:

- records relating to the object's identification and legal status, including its provenance (history of ownership);
- records of the various locations where the object has been displayed, its current condition and level of care, and any required conservation;
- records relating to publication of the object;

- records relating to the object's value and insurance coverage.

6.2 Copyright and Rights & Reproductions

The Billings Public Library complies with all national and international law protecting copyright. Copyright is complex and all uses contemplated by the Library may *not* be permitted under the fair use exclusion. Use of images of works in the art collection must be examined in advance with care to avoid copyright infringement. Library staff will exercise care in the use of details or other cropped images; such use may not in all cases be permitted in license agreements.

Applicants seeking permission to publish images of works in the art collection must fill out appropriate request forms, supplied by the Library's Assistant Director or successor, and cover all necessary photographic fees. The responsibility for securing necessary permissions rests with the applicant.

6.3 Online Image Usage

Art collection images posted on the Library's website will be limited to three categories: 1) works for which the Library owns copyright, 2) works for which the Library holds an explicit license for online usage, or 3) works that are in the public domain.

SECTION 7: SUPPORTING REFERENCES AND RELATED LEGISLATION

American Association of Museums' *Guidelines Concerning Unlawful Appropriation of Objects During the Nazi Era*, 1999, amended 2001

Antiquities Act, 1906 (NB: Other subsequent federal legislation to protect cultural, archaeological, and historic property may apply.)

Convention on Biological Diversity, 1992

Endangered Species Act, 1973 (NB: Other federal legislation to protect wildlife may affect museums that hold and use certain types of objects, including CITES [Convention on International Trade in Endangered Species of Wild Flora and Fauna], the Lacey Act, the Migratory Bird Treaty Act, and others.)

Native American Graves Protection and Repatriation Act (NAGPRA), 1990

UNESCO's Treaty on Cultural Property, 1970, and other UNESCO international conventions and publications regarding cultural property

Visual Artists Rights Act (VARA), 1990

Adopted this 11th day of April, 2013.



ART AND EXHIBITIONS AGREEMENT FORM

EXHIBITION NAME: _____

I. ARTIST OBLIGATIONS

1. The artist is responsible for ensuring that all art is suitably framed with hanging apparatus (screw eyes and wire), or mounted and stabilized for pedestal display. All frames, armatures, and mounting arrangements must be securely constructed. The use of gallery clips to frame artwork is not permitted.

2. Work heavier than 20 lbs. (9 kg.), or that projects more than 3" (7.6 cm) from the wall may not be acceptable. Work that is fragile in nature or whose framing or display arrangement is of questionable durability may also be rejected.

3. Work accepted for display is expected to remain at the library for the duration of the exhibition.

4. The artist is responsible for delivering works to the library. Artwork cannot be received, nor returned, by parcel carrier. Delivery must take place on the set date and time, unless otherwise arranged with the library. Artwork should be delivered well-protected with bubble wrap, cardboard, or other appropriate material.

5. While not required, it is strongly encouraged that solo exhibitors contribute to library programming in conjunction with their exhibition. This may take the form of a lecture, discussion, demonstration, or workshop. Other means of contributing are welcome, but are subject to the approval of the library.

II. INSTALLATION/DEINSTALLATION

1. Exhibition Areas

- A. Royal Johnson Community Room
- B. Montana Room display cases
- C. First Five Years wall
- D. Children's Story Tower interior/exterior

2. No labels, signs, artwork or other material may be attached to any walls without both the item and the means of adhesion being approved first by the library. Artists that mar or damage library walls may not be invited to exhibit in the future and could be liable for damages.

3. Any necessary maintenance of artwork that is exhibited in the library will be the responsibility of the artist.

4. The library will install the artwork, unless other arrangements are made with the artist.

A. Children's Department displays will be installed and uninstalled by the artist under direction of library staff. Staff will

determine appropriate means for hanging lightweight, unframed artwork to wooden walls.

III. SALES

1. The library does not charge a commission and will not be involved in the sale of any artwork beyond providing interested buyers with the artist's provided contact information. Artists must deal directly with buyers.
2. Sold works must remain on exhibit throughout the designated period. Artists must notify the library within 48 hours of a sale so that the artwork may be marked as "sold."

IV. PUBLICITY

1. Permission to photograph and reproduce any work accepted in the exhibition for publicity purposes is granted to the library unless otherwise stated in writing. Publicity is handled at the library's discretion.
2. Art shows at the library are public and exhibiting artists understand that photographing or filming of the exhibit by visitors may occur.
3. Artists are encouraged to promote the exhibit through invitations and announcements.
4. Title and copyright of exhibited materials will remain with the artist.

V. LIABILITY

1. The library will make every attempt to preserve, secure, and protect each piece of art; but neither the library nor City of Billings can be held responsible for damage, loss, or theft of the art, nor changes/cancellation of this exhibit due to unforeseen circumstances.
2. The artist agrees to notify the library in detailed writing of any purported damage to the work. The library agrees to notify the artist in detailed writing of any purported damage to the work.

VI. REPRESENTATION

1. If the artist has a prior relationship with a commercial gallery, retailer, or agent it is the artist's responsibility to inform that commercial gallery, retailer, or agent of their intention to exhibit at the Billings Public Library and ensure there is no conflict with respect to this agreement.
2. In no event shall the Billings Public Library be obligated to pay any third party fees, expenses, or commissions to any third parties unless agreed to in writing in advance.

VII. INDEMNIFICATION

The artist shall indemnify and hold the Billings Public Library and its successors, licensees, and assigns harmless against all liability or loss (including reasonable attorneys' fees) which they or any of them may suffer by reason of the breach of any of the terms, representations, and/or warranties of this Agreement.

VIII. REPRESENTATIONS and WARRANTIES

1. The artist represents and warrants to the Billings Public Library that the work included in the exhibition, and any additional advertising or

promotional material prepared by the artist, do not violate the rights of privacy and/or constitute a libel or slander against any person or legal entity, and that the work will not infringe upon the copyright, confidentiality, or any other rights of any person or legal entity or any third party.

2. This agreement shall be governed by and construed in accordance with the laws of the State of Montana. The parties agree and consent that the jurisdiction and venue of all matters relating to this agreement will be vested exclusively in the federal, state, and local courts within the State of Montana. This agreement contains the entire understanding of the parties relating to its subject matter. No change or modification of this agreement will be binding upon either party unless made by a written instrument. A waiver by either party of any provision of this agreement in any instance shall not be deemed to waive such provision for the future. All remedies, rights, undertakings, and obligations contained in this agreement shall be cumulative and none of them shall be in limitation of any other remedy, right, undertaking, or obligation of either party. Should any provision of this agreement be determined to be void, it shall not affect the validity of any other provision of this agreement.

Exhibition

Name: _____

Schedule

Art drop-off date: _____

Exhibition date(s): _____

Art pickup date: _____

Artist contact information

Name: _____

Address: _____

Phone: _____

Email: _____

Inventory Checklist

#	Title	Medium	Size	Price
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

(Use additional sheets as necessary to list more works. A photographic inventory can also be performed upon request.)

By signing below, parties have read, understand, and agree to the provisions in the Agreement.

Work received by library:

Library Staff

Artist

Date:

Date:

Work returned to artist:

Library Staff

Artist

Date:

Date:



DEED OF GIFT

RECEIVED FROM:

Name:

Address:

Phone:

Email:

The donation described by the **Billings Public Library Archives** is an unrestricted gift (unless specifically stated herein) and subject to conditions outlined by the Library Archives Collection Policy following this deed of gift.

DESCRIPTION OF GIFT MATERIAL AS FOLLOWS:

Creator of materials:

Date Range:

Size (in linear feet):

Collection consists of: _____

Use last page for additional space.

Are there materials you would like returned if we do not choose to keep them? Yes No

If yes, please list items: _____

If we choose not to accept some of the materials, may we offer them to other institutions? Yes No

RESTRICTIONS:

By signing below, I verify that I have read and understand the Collection Policy of the Billings Public Library Archives.

Donor's signature

Date

Accepted by Billings Public Library Archives:

Archivist's signature

Date:

For office use only

Accession number:

Collection Name:

Collection number:

BILLINGS PUBLIC LIBRARY ARCHIVE COLLECTION POLICY

Mission

Embrace, empower, and enrich our community through local history preservation and education.

Vision

To provide free access to archive and library materials, stimulate historical thinking, and enhance knowledge of our community's past.

General Scope of Collections

Billings Public Library's Archives (BPL Archives) collects and preserves physical primary and secondary resources related to Billings and Yellowstone County history, including, but not limited to: photographs, prints, albums and scrapbooks, maps, manuscripts, journals, correspondence, pamphlets, brochures, and advertising ephemera.

The Montana Room Library (MT Room Library) consists of published materials related to Montana history, including the library's rare book collection and Billings Gazette microfilm collection.

Access to Montana Room Library Materials

MT Room Library materials are all non-circulating. Excluding the rare book collection, these materials are available to the public during normal business hours.

Rare and/or deteriorating materials are stored in a secure environment and are available through appointment only. For the sake of preservation, access to these materials is at the discretion of the MT Room Librarian and/or Library Administration.

Access to Archive Materials

BPL Archives materials are available for examination via appointment only. All appointments are based on staff availability and subject to staff cancellation. Notebooks, laptops, tablets and other recording materials are permitted in reading area, but all backpacks, bags, purses, and other carrying cases are not.

Donations

Archive collections require time and labor to properly accession and process. As such, the Library Archivist and Library Director maintain complete decision-making authority over donations accepted into the BPL Archives. Selection criteria considers, but is not limited to: how the material relates to or enhances an existing collection, information contained within the material, historical/geographical/cultural relevance, prevention of material duplication, preservation and storage, and security requirements.

Donations are considered outright and unrestricted, for use in the best interests of the Billings Public Library. Accepted gifts are considered extremely important or the best available at the time acquired. No institution or individual, however, can predict the changing attitudes of future generations, nor guarantee permanency beyond the best available preservation procedures.

Upon evaluation, some material may be declared expendable. Additionally, material existing in collections may become expendable by acquisition of better examples. Expendable material include surplus, duplicate, non-relevant, or those with a deteriorated condition or limited use value. Such material will be used in the best interest of the BPL Archives, including but not limited to sale and exchange programs to acquire other needed material, loans to schools and other institutions, and disposal if the condition or value so warrants.

Certain items within the donation may be immediately determined as not adaptable to the BPL Archives' collections. Reasons for such determinations include duplication, lack of space and facilities, or failure to fit BPL Archives' areas of acquisition. Any items so deemed – if any – are listed on a separate sheet attached to Deed of Gift form. The donor is asked to advise the BPL Archives concerning disposition of such items.

Donors are responsible for arranging and paying for any appraisals of donations if one is required for tax deductions. Appraisals must be conducted prior to transfer of ownership. The BPL Archives cannot provide appraisals of donated materials.

A signed Deed of Gift form legally transferring ownership from the donor to the BPL Archive must accompany all donations. The BPL Archives will consider all materials dropped off at library without a signed Deed of Gift as abandoned and may dispose of them.

Accessioning, Deaccessioning/Weeding Archive Materials

Accessioning

The BPL Archives will create an accession record for all donated and purchased acquisitions. Accessioning is the process of taking legal and physical custody over a record group or other materials, and the accession record is the formal documentation of this process.

Deaccessioning

The BPL Archives reserves the right to periodically reappraise collections and deaccession/weed materials in a manner consistent with archival ethics and standards. Deaccessioning is a legal undertaking and all such actions will be cautious, deliberate, and scrupulous. Materials marked for deaccession will first be offered back to the original donor or his/her agent if so requested on Deed of Gift form. If the donor does not wish to reclaim the material or is unreachable, the BPL Archives may dispose of them.

The Library Director will approve all materials marked for deaccession and disposal. Complete records shall be maintained on all deaccessioned items and their subsequent disposition.

The BPL Archives may deaccession materials if it finds any of the following conditions to be true:

- Materials deemed no longer relevant to BPL Archives mission and purpose.
- Materials have deteriorated beyond their research or educational usefulness.
- The item is a duplicate of objects or records already in collection.
- Materials contain hazardous materials, or are actively decomposing in a manner that directly affects the condition of other items and/or the health and safety of the staff and/or visitors.
- The BPL Archives is no longer able to provide adequate care and storage for materials within the bounds of professional archival standards.
- Legal and ethical standards require removal of materials.

The BPL Archives is under no obligation to archive or maintain any materials to which there exists no Deed of Gift or accession record.

Cooperative Agreements

The BPL Archives may enter into loan arrangements with other organizations in order to preserve historical materials and/or make them more widely available.

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**CITY OF BILLINGS
LOGAN INTERNATIONAL AIRPORT**

TEMPORARY EXHIBIT AND DISPLAY GUIDELINES

INTRODUCTION

To enhance the public spaces at the City of Billings Logan International Airport, the Airport encourages temporary exhibits and displays within the Terminal Building areas. The temporary exhibits and displays shall be for the primary purpose of enhancing aesthetics, enjoyment, and interest in selected public spaces and are not intended to be for sale while on display. The following guidelines outline the procedures that will be used to evaluate exhibit and display requests, and to manage the exhibits and displays once they are in place. For the purpose of these guidelines, exhibit and displays will include, but are not limited to, the original concepts of artists, sculptors, and other craftspeople, executed in any visual art/craft medium, sculpture, carved, cast, assembled or constructed, paintings, prints, photographs, drawings, murals, wall hangings, ceramics, or combinations of media.

Due to the Airport's operational, security, and public safety requirements, Airport staff members will be responsible for the placement, mounting, hanging, or affixing of all exhibit or display materials in or on the approved Terminal Building areas once an exhibit or display has been approved for showing. The Airport will also periodically clean and insure the display materials (for damage and loss) while in the Airport's possession in accordance with the Temporary Exhibit and Display Agreement as set forth in Attachment 1. At the conclusion of the established exhibit or display period, the Airport will remove all exhibit or display materials (including any signage) and release them to the exhibitor as specified in the Temporary Exhibit and Display Agreement. The following Terminal Building area locations are normally available for displays and exhibits:

- Select wall locations on the secured concourse areas.
- Select wall locations in the baggage claim area, and the walkway between the ticket lobby and baggage claim area.
- High ceiling areas in the baggage claim area, and walkway between the ticket lobby and baggage claim area.
- Floor space in the baggage claim area, walkway between the ticket lobby and baggage claim area, and within the concourse areas. A case-by-case determination will be made on all floor space exhibits or displays, due to Terminal Building area space constraints.

SELECTION CRITERIA (TEMPORARY EXHIBITS AND DISPLAYS)

An individual, or group who desires to offer a temporary exhibit or display in or on City of Billings Airport facilities will be required to submit a written detailed description of the exhibit or display for evaluation by the Airport. The Airport encourages the inclusion of pictures and sketches to help illustrate the proposal and to facilitate the review. At a minimum, the proposer must address the following items when submitting their request:

1. Proposed location desired for the exhibit or display.

2. Theme of the exhibit or display, its relevance and linkage to the Billings community and the Airport, and the proposer's view of how the exhibit or display will resonate with the public. The Airport desires that exhibits and displays reflect and respect local values and character, be informative for the traveling public, and provide a source of community pride for area residents. The exhibit or display must be aesthetically and functionally compatible with the Airport environment, and use appropriate subject matter for display in a family oriented public building frequented by persons of all ages. Exhibits or displays that offer a diversity of style, scale, media, ethnicity, subjects, and gender are encouraged.
3. Information about the proposer and their experience in delivering projects with similar scopes. The Airport prefers exhibits from local and regional exhibitors. The proposer should also specify if they have previously presented displays or exhibits at the Airport. Dates, descriptions, and duration of the previous projects should be specified.
4. The construction methods and materials used in the exhibit or display, and any impact it may have on the public safety, security, or fire exposure for the Airport, to include how the proposer envisions the exhibit and display materials will be mounted, affixed, or secured to the Airport facilities. Very large exhibits that are difficult to display may not be considered. A list of the total number of display pieces, including a description of each piece along with the size dimensions and weight of each piece should also be included. Due to the size, proposed location, and the type of materials used to construct the exhibit, the City of Billings Fire Code may require the exhibit piece(s) to be treated with a fire retardant before it/they can be displayed in the public spaces of the Terminal Building. It is the responsibility of the proposer to determine if this type of fire protection is needed and to properly prepare the exhibit piece(s) should it/they be approved for display in the Terminal Building.
5. The total estimated value of the exhibit or display materials and all associated signage.
6. The proposer must address how the exhibit or display will fare against environmental elements, and detail any special maintenance and cleaning requirements that will be required during the term of the exhibit or display in order to permit the Airport to accurately estimate the operational and financial impact of the proposed maintenance and cleaning requirements. Exhibits that contain materials which are inherently dangerous or unstable, are made out of materials which may decay, emit odors, or are extremely fragile will not be considered.
7. The requested length of the exhibit or display.
8. The proposer shall identify any sponsors and specify any planned promotional events during the exhibit or display period. This should include, but is not limited to, a grand opening event, tours, or any other event or gathering during the term of the exhibit or display. The proposer shall include proposed dates and times, estimated number of guests attending, the planned format of each event, and any requested involvement/participation by the Airport and Airport staff. If all or a portion of the exhibit or display materials are mounted in secured areas of the Airport, promotional events will not be approved due to aviation security requirements.

9. Describe in sufficient detail any requested signs, placards and/or advertising (i.e., for the exhibit or exhibit sponsors) that would be included with the proposed display or exhibit. Please include:

- The number and proposed locations of these announcements.
- The physical size of the announcements. All promotional and informational signage should be uniform in size and appearance.
- How the proposer desires to display the announcements to include the material(s) that would be used.
- The requested text, graphics, and logos that will be included on the announcements.

EVALUATION AND SELECTION PROCESS

The Director of Aviation and Transit (Director) or his designee will be responsible for evaluating all exhibit and display requests. The Director's determination will be based on consideration of the following:

- The proposer's compliance with the selection criteria.
- The proposer's experience in displaying similar exhibits.
- If the proposer has previously offered displays or exhibits within the Terminal area.
- If a similar exhibit has been recently displayed at the Airport.
- The availability of space within the Terminal Building to accommodate the request.
- The quality of the exhibit materials and how it may impact the Airport's ability to assemble, mount, hang, affix, maintain, clean, and insure the exhibit.
- The proposer's willingness to enter into a Temporary Exhibit and Display Agreement.

At the completion of the Director's review, the proposer will be provided with a written determination of the Director's decision. The Director reserves the right to request changes to the exhibit or display request, or to seek clarification from the proposer prior to making a determination. The Director's decision will be final, and at his/her sole discretion, the Director may refuse any display or exhibit request, or any promotional or signage material associated with the exhibit or display.

EXHIBIT AND DISPLAY AGREEMENT

If the proposer is selected by the Director to offer a display or exhibit within the Terminal Building area, the proposer will be required to enter into a Temporary Exhibit and Display Agreement with the Airport. A draft of this Agreement is contained in Attachment 1 and should be carefully reviewed by the proposer before submitting a request. If the proposer desires to offer changes or modifications to this Agreement, the proposer is required to identify their requested changes when submitting their exhibit or display proposal. Changes to the Agreement that are requested after the exhibit or display has been approved for showing will not be considered.



CITY OF BILLINGS LOGAN INTERNATIONAL AIRPORT

TEMPORARY EXHIBIT AND DISPLAY

AGREEMENT

This Agreement, made and entered into on _____, by and between the following:

The City of Billings Logan International Airport (Airport)

and

_____ (Exhibitor)

The Airport and the Exhibitor desire to enter into this Agreement for the purpose of allowing temporary loan of Exhibit materials by Exhibitor to the Airport for the display (description/title) _____.

The approved Airport Terminal Building location(s) for this Exhibit is/are as follows:

_____.

This Agreement is not intended to transfer ownership from Exhibitor to Airport of any Exhibit materials while on loan for display at the Airport Terminal Building.

Term. The term of this Agreement shall be for a period of _____ month(s), commencing on the _____ day of _____ 20____ and terminating on the _____ day of _____ 20____. This Agreement may be terminated by either party upon thirty (30) days written notice of one party to the other party.

Holdover. This Agreement shall terminate at the end of the full term as stated above without any notice by either party. A holding over by the Exhibitor beyond the expiration of the term shall not be permitted without the prior written consent of the Director of Aviation and Transit and then only on a month-to-month basis.

TERMS AND CONDITIONS

1. Exhibitor hereby agrees to loan to the Airport for display purposes only, those pieces of Exhibit materials and all promotional and informational signage identified on the Inventory Sheet(s) attached in Exhibit A and hereby made a part of this Agreement. A description

and value shall be recorded in the space provided for each piece of Exhibit material and all promotional and informational signage.

Upon delivery of Exhibit materials to the Airport, the Exhibitor and a representative of the Airport, on a joint basis, will inventory, check in, and verify receipt of all Exhibit materials, promotional and informational signage. All Inventory Sheets shall be signed and dated by both the Exhibitor and a representative of the Airport upon completion of the Exhibit materials check in. A copy of the completed and signed Inventory Sheets will be kept by each party for the duration of the display period.

At the time of delivery to the Airport, all Exhibit materials, promotional and informational signage shall be display ready and include the appropriate materials/supplies for mounting or display within the approved exhibit or display area(s) of the Airport. This shall include any protective covers, the appropriate framing, and hanging or mounting hardware. The Airport reserves the right to adjust and or require that specific mounting or installation materials be provided. The Airport has the final authority on all installation and dismantling determinations.

2. The Exhibitor will be permitted to promote the Exhibit with an opening reception; however, prior written approval of the Airport is required. Requests for an on-site event shall include proposed date(s), time(s), estimated number of guests, and the planned format of the event. Public events should not be requested if the Exhibit materials are displayed within the secured areas of the Airport due to Transportation Security Administration (TSA) aviation security requirements. Requests for such will not be approved.

Any promotional and informational signage for the Exhibit must be uniform and may contain the Exhibitor's contact information, but may not be used to display pricing information for the Exhibit materials. Sales of Exhibit materials will not be handled or facilitated in any way by Airport staff members. Exhibit materials sold must remain on display during the term of this Agreement unless written approval and release is received from the Airport. Any Exhibit materials sold and approved for removal from display will be released only to the Exhibitor.

3. The Exhibitor hereby warrants that he/she possesses unencumbered title and ownership to the Exhibit materials, free and clear of any liens that the description of the same is true and accurate, and sign a release for the Exhibit materials. If the Exhibitor is serving as an agent to display Exhibit materials that are not owned by the Exhibitor, the Exhibitor must provide written releases from the owner of each Exhibit piece not owned by the Exhibitor. The written releases must warrant that the owner of the Exhibit material has agreed to loan the Exhibit material to the Airport for display purposes only. Copies of all written releases must be included with the Exhibit A Inventory Sheets at the time the Exhibit materials are delivered to the Airport for display and kept by each party for the

duration of the display period. Exhibit materials will not be displayed unless written releases are provided at the time the Exhibit materials are delivered to the Airport, inventoried, and checked in.

4. The Exhibitor hereby grants to the Airport the right to use images from the Exhibit materials for publicity purposes as the Airport desires, to include, but not limited to, publicity announcements, within internal and external Airport and City of Billings documents, on the City of Billings and Airport Websites, and other media at the discretion of the Airport. Any images used will identify the Exhibit material owner in a photo credit.
5. The Airport reserves the right to refuse any piece of Exhibit material, promotional or informational signage, for any reason including, but not limited to, damaged or incomplete Exhibit materials, faulty workmanship, misrepresentation of perjured Exhibit materials, lack of available display space in the Terminal Building, or lack of adherence to Exhibit theme or subject matter requirements.
6. At the end of the term of this Agreement, the Exhibitor shall have five (5) business days in order to pick up their Exhibit materials from the Airport. Hours for pick up are between the hours of 8:00 a.m. – 5:00 p.m., Monday through Friday; pick up can be arranged by phoning 406-657-8495. The Airport accepts no responsibility for Exhibit materials not picked up within the designated timeframe. Any Exhibit material that is not picked up by the deadline shall be treated as abandoned property and subject to disposal by the Airport without any further notice to the Exhibitor.
7. The Airport will be responsible for the placement, mounting, hanging, affixing, periodic cleaning, and maintenance of the Exhibit materials. The Airport reserves the right to make adjustments, at its discretion, to the approved display locations as the Exhibit is being assembled, installed, or displayed during the term of the Exhibit period if operational needs of the Airport shall warrant such.

Should Exhibit materials be damaged or need to be repaired during the Exhibit display period, the Airport reserves the right to perform maintenance or make minor and/or emergency repairs without consulting the Exhibitor. The Exhibitor shall provide the Airport with any special maintenance and repair instructions at the time the Exhibit materials are delivered to the Airport, inventoried, and checked in.

FEES

The Airport will not charge Exhibitor a fee to display the approved Exhibit materials.

ASSIGNMENT/TRANSFER

The Exhibitor shall not have the right to assign or transfer its interest in this Agreement to any other person or entity for any reason whatsoever.

INSURANCE AND INDEMNIFICATION

1. Indemnification. Exhibitor and Exhibitor's officers, directors, agents, representatives, and employees shall stand indemnified by the Airport as herein provided. It is expressly understood and agreed that Exhibitor is and shall be deemed to be an independent contractor and operator responsible to all parties for its respective acts or omissions and that the Airport shall in no way be responsible therefore. It is further agreed that in the use of the Airport, in the placement, mounting, hanging, affixing, or maintenance of any approved exhibits or displays thereon, and in the exercise or enjoyment of the privileges herein granted, the Airport shall indemnify, save harmless, and defend the Exhibitor and Exhibitor's officers, directors, agents, representatives, and employees from any and all losses that may result to the Exhibitor and Exhibitor's officers, directors, agents, representatives, and employees because of any negligence, act or omission on the part of the Airport or Airport's agents, representatives, and employees and shall indemnify Exhibitor against any and all mechanic's and materialmen's liens or any other types of liens imposed upon the premises.

Exhibitor expressly agrees that the Airport shall not be liable to Exhibitor, for personal injury, bodily injury, or for any loss or damage to real or personal property occasioned by flood, fire, earthquake, lightning, windstorm, hail, explosion, riot, strike, civil disobedience or commotion, aircraft, smoke, vandalism, malicious mischief, or acts of civil authority, unless caused by the fault or negligence of the Airport, its officers, agents, or employees.

2. Insurance. The Airport shall provide and keep in force for the term of this Agreement a commercial general liability policy, providing coverage for personal injury, bodily injury, death, and property damage, in amounts not less than \$750,000 per claim, and \$1,500,000 per occurrence.

Insurance coverage shall be maintained with insurance underwriters authorized to do business in the State of Montana. The continuous maintenance by the Airport of all types of required insurance under this Agreement is mandatory. Failure of the Airport to maintain such insurance is a material breach of this Agreement and does not amend this Agreement, nor release the Airport from any other obligations in this Agreement.

PROPERTY INSURANCE COVERAGE

The City of Billings will provide Fine Arts coverage for displayed art or other displays as outlined by the Exhibitor in Exhibit A, up to the value of \$10,000. Art and other displays exceeding \$10,000 in value that require coverage above the \$10,000 threshold shall be the responsibility of the Exhibitor providing the displayed items. The insurance provided by the Fine Arts policy will be on a "special causes of loss form" provided by Affiliated FM Insurance Company. The following is a brief summary of the coverage provided and the coverage is subject to the terms and conditions of the policy provided to the City of Billings by Affiliated FM Insurance.

1. Fine Arts coverage means paintings, etchings, pictures, rare or art glass windows, valuable rugs, statuary, sculptures, antique furniture, antique jewelry, bric-a-brac, porcelains, and similar property of rarity, historical value, or artistic merit, excluding automobiles, coins, stamps, furs, jewelry, precious stones, precious metals, watercraft, aircraft, money, securities.
2. Breakage of any Fine Arts is not covered unless breakage is covered by the following named perils to loss: fire, lightning, wind, hail, explosion, smoke, aircraft, vehicles, strike, riot, civil commotion, vandalism, theft, sprinkler leakage, and collapse of buildings.
3. No coverage is provided for loss or damage to any Fine Art as a result of restoring, repairing or retouching processes, changes in temperature dampness, dryness, color, texture, or finishes.

The Exhibitor should consult their personal insurance representative for concerns on property or liability questions on their fine arts or other displayed items.

The undersigned acknowledge that they fully understand the terms of this Agreement and accept the terms and conditions stated above.

AIRPORT:

City of Billings Logan International Airport

EXHIBITOR:

Jeff Roach, A.A.E.
Aviation and Transit Director

Date: _____

Date: _____



EXHIBIT A

CITY OF BILLINGS LOGAN INTERNATIONAL AIRPORT TEMPORARY EXHIBIT AND DISPLAY DESCRIPTION

The Exhibitor shall describe each individual Exhibit piece and all promotional and informational signing that will be displayed in the Terminal during the term of the Agreement. This description shall also include all framing and mounting hardware provided by the Exhibitor along with the estimated value for each piece, and the date that each piece was delivered and inventoried by the Exhibitor and a representative from the City of Billings Logan International Airport. **Use a separate inventory sheet for each individual piece.**

NAME/DESCRIPTION OF EXHIBIT: _____

EXHIBIT OWNER: _____

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

TELEPHONE NUMBER _____

EXHIBIT START DATE: _____ **EXHIBIT END DATE:** _____

DISPLAY LOCATION: _____

TOTAL NUMBER OF EXHIBIT PIECES TO BE DISPLAYED: _____

**TOTAL NUMBER OF PROMOTIONAL AND
INFORMATIONAL SIGNING PIECES TO BE DISPLAYED:** _____



EXHIBIT A

CITY OF BILLINGS LOGAN INTERNATIONAL AIRPORT TEMPORARY EXHIBIT AND DISPLAY INVENTORY SHEET ALL SPACES MUST BE FILLED IN

EXHIBIT PIECE NUMBER: _____

DESCRIPTION OF EXHIBIT OR PROMOTIONAL/INFORMATIONAL MATERIAL:

VALUE OF PIECE: _____

INVENTORY DATE: _____

EXHIBITOR SIGNATURE: _____

**AIRPORT REPRESENTATIVE
SIGNATURE:** _____

EXHIBIT PIECE NUMBER: _____

DESCRIPTION OF EXHIBIT OR PROMOTIONAL/INFORMATIONAL MATERIAL:

VALUE OF PIECE: _____

INVENTORY DATE: _____

EXHIBITOR SIGNATURE: _____

**AIRPORT REPRESENTATIVE
SIGNATURE:** _____



EXHIBIT A

CITY OF BILLINGS LOGAN INTERNATIONAL AIRPORT TEMPORARY EXHIBIT AND DISPLAY INVENTORY SHEET ALL SPACES MUST BE FILLED IN

EXHIBIT PIECE NUMBER: _____

DESCRIPTION OF EXHIBIT OR PROMOTIONAL/INFORMATIONAL MATERIAL:

VALUE OF PIECE: _____

INVENTORY DATE: _____

EXHIBITOR SIGNATURE: _____

**AIRPORT REPRESENTATIVE
SIGNATURE:** _____

EXHIBIT PIECE NUMBER: _____

DESCRIPTION OF EXHIBIT OR PROMOTIONAL/INFORMATIONAL MATERIAL:

VALUE OF PIECE: _____

INVENTORY DATE: _____

EXHIBITOR SIGNATURE: _____

**AIRPORT REPRESENTATIVE
SIGNATURE:** _____

ARTICLE 2-500. BOARDS, COMMISSIONS AND COMMITTEES¹

DIVISION 1. GENERALLY

Sec. 2-501. Permanent advisory boards, ad hoc council advisory committees or statutory boards.

There are three (3) different types of advisory boards, committees or commissions.

- (1) Permanent advisory boards are established by ordinance (this article; City Charter, Article V).
- (2) Ad hoc council advisory committees (section 2-224) are created by council resolution, have a specific purpose, and have a limited duration.
- (3) Statutory boards are required by state or federal law.

All boards, committees or commissions shall be governed by this article except as otherwise provided by Charter, this Code, statute or interlocal agreement.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-501.1. Qualifications for membership.

- (a) Unless otherwise required by law, other city ordinance or permitted by interlocal agreement or memorandum of understanding with any other governmental or non-governmental entity or organization, all members of city advisory boards, commissions or committees must hold the following qualifications:
 - (1) Resident of the city for at least two (2) years;
 - (2) Registered voter of the city; and
 - (3) Eighteen (18) years of age or older.

¹Editor's note(s)—Ord. No. 09-5485, § 1, adopted January 12, 2009, amended article 2-500 in its entirety, in effect repealing and reenacting said article to read as herein set out. Formerly, article 2-500 pertained to similar subject matter, and derived from the Code of 1967, §§ 2.24.010, 2.24.020, 2.24.040, 2.24.060, 2.29.010, 2.29.020, 2.66.010, 2.66.040, 2.66.060, 2.76.010, 2.76.020; Ord. No. 83-4523, § 1, adopted June 20, 1983; Ord. No. 83-4559, §§ 1, 2, adopted November 28, 1983; Ord. No. 97-5035, §§ 2—4, adopted September 8, 1997, and Ord. No. 06-5356, § 1, adopted January 9, 2006.

Charter reference(s)—Boards, commissions or committees, Art. V.

Cross reference(s)—Open public meetings and records, § 2-601 et seq.; code of ethics, § 2-701 et seq.; historic preservation board, § 6-1121 et seq.; downtown redevelopment board, § 9-301 et seq.; city-county planning board, § 20-201 et seq.; board of architectural review, § 27-802; zoning commission and board of adjustment, § 27-1001 et seq.

(b) A city employee shall not be appointed to serve on a city advisory board, commission or committee that provides advice to the department for whom the employee works.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 13-5615, § 1, 9-9-13; Ord. No. 19-5726, § 1, 10-15-19)

Sec. 2-501.2. Appointment.

Members of advisory boards, commissions, and committees shall be appointed by the mayor with the consent of the city council, unless otherwise provided by federal or state law, or interlocal agreement.

- (1) Notice of a vacancy shall be published thirty (30) days prior to appointment.
- (2) Members of boards, commissions, or committees shall hold no elected city office unless required by federal or state law, or interlocal agreement.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-502. Compensation, expenses.

The members of advisory boards, committees, and commissions of the city shall serve without compensation, but shall be reimbursed their necessary expenses with prior authorization of the mayor and city council.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-503. Loss of membership.

If a member of any board, committee or commission of this city fails to attend three (3) consecutive scheduled meetings of such board, committee or commission without being excused from such attendance, such person shall no longer be considered a member of such board, committee or commission, and the position shall be declared vacant by the mayor, unless otherwise provided by statute or interlocal agreement.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 19-5726, § 2, 10-15-19)

Sec. 2-503.1. Forfeiture of office.

The position of advisory board, commission, or committee member is forfeited and becomes vacant upon the occurrence of any of the following events prior to the expiration of the term:

- (1) The death of the member;
- (2) The member's resignation;
- (3) The member's conviction of a felony;
- (4) The member's ceasing to meet the qualifications in section 2-501.1; or
- (5) The decision of a competent legal tribunal declaring void the member's appointment.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 19-5726, § 3, 10-15-19)

Sec. 2-503.2. Removal of any or all members.

Members of advisory boards, commissions and committees serve at the discretion of the mayor and city council. Upon two-thirds (2/3) vote of the mayor and city council, any or all members of an advisory board, commission or committee may be removed.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-504. Filling unexpired term.

When possible, vacancies occurring for any reason during the member's term shall be filled within sixty (60) days in the same manner as the original appointment. The appointment shall be for the remainder of the unexpired term. If a position remains vacant beyond sixty (60) days, notice of the vacancy shall be published periodically according to the judgment of the mayor until the vacancy has been filled.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 19-5726, § 3, 10-15-19)

Sec. 2-505. Terms of office.

Except as otherwise provided by Charter, this Code, statute or interlocal agreement:

The terms of members of a permanent advisory board or commission will run on a calendar year basis. During the transition to the calendar year terms, any member whose term expires prior to December 31 will holdover in office at least until December 31 or until his position is filled by appointment, whichever is later. All board and commission appointees after the initial appointments shall be appointed for four (4) years. Each member shall be limited to two (2) consecutive four (4) year terms.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-506. Staff liaison.

Each permanent advisory board shall have a designated staff liaison appointed by the city administrator. The staff liaison shall be responsible for preparing the meeting agenda, advertising the meeting, taking minutes, and handling any communications between the board, the mayor or city council, or the city administrator.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-507. Meetings, rules and procedure.

All boards, commissions, and committees shall comply with this article and the following rules of procedure. A board, commission or committee shall not establish its own bylaws or any other rules without the prior written approval of the city council, unless otherwise required by law. All bylaws or rules of procedure existing on the effective date of this article are void and shall be replaced with the rules of procedure set by ordinance.

- (1) *Election of chairperson and vice-chairperson; presiding officer.* At the first meeting of every calendar year, a chairperson and vice-chairperson shall be elected by a majority of members present at the meeting. The chairperson shall be the presiding officer and shall be responsible for recognizing those who would like to speak and generally enforcing a productive decorum. In the absence of the chairperson, the vice-chairperson shall be the presiding officer.

(2) *Location; calling to order; quorum.* The advisory boards, commissions or committees shall hold regular meetings for the transaction of city business as required. A majority of the meetings held by each board, commission or committee in any calendar year shall be located in a public facility owned by a governmental entity. Any regular meeting may be canceled or rescheduled by majority vote of the advisory board, commission or committee at any time prior to the last business day before the scheduled meeting. The presiding officer or any three (3) members may request that a special meeting be called. The request shall be submitted to the staff liaison who shall prepare the agenda and notice in writing, which notice shall be delivered or mailed to all members. All meetings shall be held in accordance with the public notice and public meeting laws.

At any regular or special advisory board, commission or committee meeting, the presiding officer shall call the roll, and the names of all members present shall be recorded in the minutes. The presiding officer shall announce whether or not a quorum is present. Unless otherwise set by law, a simple majority of the members of the advisory board, commission or committee duly appointed and qualified is necessary to constitute a quorum. A meeting must have a quorum present in order to conduct business. Members must be physically present for meetings, and no proxy votes shall be allowed. Members shall vote on all agenda items unless prohibited by law.

(3) *Meetings open to the public.* All meetings of the boards, commissions, committees, subcommittees or other entities created by the city council shall be open to the public if required by state law. "Meeting" means the convening of a quorum of the membership of the boards, commissions or committees created by the city council, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the city council has supervision, control, jurisdiction, or advisory power.

A public comment period shall be provided at each meeting. The presiding officer may set time limits for the comments.

(4) *Proposed agenda.*

- a. The presiding officer through the staff liaison shall prepare a draft regular meeting agenda and shall provide the same to the members in accordance with an agreed process designed to provide them with sufficient time and opportunity to review the draft agenda and request changes therein prior to its finalization.
- b. The staff liaison shall prepare the final agenda of business to be considered at the regular meeting and shall transmit copies of the same to the members on or before close of business on the Monday preceding the regular meeting at which the matters are to be considered. Agenda items may only be removed from the agenda by the consent of a three-fourths (¾) majority of the members present.
- c. Only matters that appear on the agenda shall be considered by the members at its regular meeting. Matters that are ministerial or deemed not of significant interest to the public may be added by consent of a three-fourths (¾) majority of all members present.

(5) *Order of business for regular meetings.* At all regular meetings of the advisory boards, commissions and committees, the order of business shall be as follows:

- a. Call to order;
- b. Roll call;
- c. Correcting, if necessary, and approving minutes of the last meeting or meetings;
- d. Staff liaison reports;
- e. Public comment on the published agenda or non-agenda items. Speakers are requested to indicate their desire to speak and which item or items on which they wish to offer comment by

filling in their name, address and agenda item number or subject on a prepared "sign in" sheet. The length of time a speaker may speak is limited and is set by the presiding officer.

- f. **Agenda.** The agenda constitutes an individually numbered listing of business items either:
 1. Requiring a public hearing prior to action;
 2. Giving a special informational presentation; or
 3. Any item that requires separate time by the board, commission or committee to fully discuss the matter prior to rendering a decision.
- g. **Adjourn.**

The order of business may be altered for any meeting by a majority vote of the members present. The order of business for any special meeting shall be specified in the notice calling for the special meeting.

- (6) **Minutes.**
 - a. Appropriate minutes of all meetings of advisory boards, commissions and committees shall be kept by the staff liaison and shall be available for inspection by the public.
 - b. Such minutes shall include without limitation:
 1. Date, time, and place of meeting;
 2. A list of the individual members of the board, commission or committee in attendance;
 3. The substance of all matters proposed, discussed, or decided; and
 4. At the request of any member, a record by individual members of any votes taken.
- (7) **Distribution of minutes.** It shall be the duty of the staff liaison to see that copies of the minutes are transmitted to the members as soon after the original minutes are written as possible. The minutes must be finally approved at the next meeting and shall be posted on-line at the city's website within ten (10) business days after final approval. The minutes are permanent records of the city and must be retained indefinitely.
- (8) **Rules of procedure for meetings.** The meetings of the advisory boards, commissions or committees shall in all cases be governed by the following rules, unless otherwise set by interlocal agreement, statute, or ordinance, or unless they are suspended pro tem by a majority vote:
 - a. **Decorum.**
 1. The presiding officer shall preserve order and decorum and shall decide all questions of order, subject to appeal to the board, commission or committee.
 2. Every member, previous to speaking, shall address the presiding officer, but shall not proceed until recognized and named by the presiding officer. The provisions of Robert's Rules of Order Newly Revised concerning assigning the floor are superseded by this rule of procedure.
 3. When two (2) or more members address the presiding officer, the first to have precedence shall be decided by the presiding officer. The provisions of Robert's Rules of Order Newly Revised concerning assigning the floor are superseded by this rule of procedure.
 4. While a question is being placed on the floor, no member shall speak or walk across the meeting room or leave the same.
 5. When any member is addressing the group, no other member shall engage in private conversation or do any other act to divert attention or interrupt the speaker.

6. At meetings all questions relating to the priority of business shall be decided without debate.
7. To preserve meeting decorum and minimize distractions, television cameras are to be confined to designated areas. Interviews in the chamber are permissible after meetings. No interview or live narration will be allowed in the chamber prior to or during the proceedings of a meeting.

b. *Meeting protocol.*

1. A member shall not speak more than twice on the same subject without leave of a majority of the group, nor more than once until every member desiring to speak on the pending question has had an opportunity to do so.
2. No motion shall be debated or put to a vote unless the same shall be seconded. The motion and second shall then be stated by the presiding officer.
3. All motions shall be stated in clear, concise and definite terms, beginning with the language: "I move that . . . ". "I so move" or any other abbreviated language does not constitute correct form for a motion and is out of order.
4. After a motion has been stated by the presiding officer it shall be deemed in possession of the group, but may be withdrawn at any time before amendment or decision, by the mover with consent of the second.
5. If a question under consideration contains more than one (1) distinct proposition any member may demand a division.
6. When a question is under debate, no motion shall be entertained, except: First, to adjourn; second, to lay on the table; third, for the previous question; fourth, to postpone to a day certain; fifth, to refer to a committee; sixth, to amend; and seventh, to postpone indefinitely. These motions shall have precedence in the order stated.
7. Amendment of a question may take the form of a motion to substitute. Adoption of a motion to substitute shall be deemed approval of the substitute motion itself and further debate and amendment of the adopted substitute motion are not in order. The provisions of Robert's Rules of Order Newly Revised concerning substitute motions are superseded by this rule of procedure.
8. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken. Motions to adjourn and lay on the table shall not be debatable.
9. No motion on a subject different from that under consideration shall be permitted.
10. After a vote is announced, no member shall change his vote without following the procedure for reconsideration.
11. No motion for reconsideration shall be in order unless made at the same meeting or the meeting following that on which the decision was made, nor shall such motion be made except by a member who voted with the majority. If the motion for reconsideration is approved by a majority vote of the board, commission or committee, then the decision on which the vote is to be reconsidered is placed back on the agenda at a location specified by the presiding officer for further consideration and another vote.
12. In case a voice vote is indeterminate, a roll call vote shall be taken.
13. In case of a tie vote on any proposal, the proposal shall be considered lost/failed.

14. The staff liaison shall rule on all questions of parliamentary procedure and the staff liaison's decision shall be final.
15. Every member present shall vote upon every question submitted, unless excused or unless the member has a financial or personal interest as defined in section 2-702. If a member has a financial or personal interest, the member shall, immediately after the motion has been made and seconded, or as soon thereafter as the member may be recognized by the presiding officer, publicly disclose the nature and extent of such interest and disqualify himself or herself from participation in the deliberation and voting on the question.

- c. *Documentation of proceedings.*
 1. In all cases the name of the member proposing a motion and seconding the motion shall be entered in the minutes.
 2. Any member may demand the roll call of ayes and noes upon any question pending. Except as provided in this subsection, a vote on all matters shall be by voice vote.
 3. All reports or proposals shall be reduced to writing before being submitted to a vote.
 4. Application of Robert's Rules of Order. In all parliamentary practice not herein prescribed, Robert's "Rules of Order Newly Revised" shall govern so far as applicable.
- d. *Public hearings.* Public hearings may be required by law or by council policy. Public hearings are held for the purpose of noticing legislative facts and receiving expressions of public opinion on a question, including views of interested parties. When public hearings are required by law, they shall be held as set out herein. At the commencement of any public hearing, the presiding officer may set time limits for the presentation of views of proponents and opponents of the measure. These time limits shall be adhered to strictly. At the conclusion of his testimony at a public hearing, any individual may be questioned by any member. The time involved in such question and reply shall not count against the time allowed for the presentation of views.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-508. Limitations of powers.

A member of an advisory board, commission or committee, except as otherwise provided by law, shall not:

- (1) Incur city expense or obligate the city in any way without prior authorization of the mayor and city council.
- (2) Make any written or oral report of any board, commission or committee activity to any individual or body unless:
 - a. To the mayor and city council;
 - b. Authorized to do so by majority vote of the entire membership of the board, commission or committee; or
 - c. Allowed by law.
- (3) Independently investigate citizen complaints against departments or individual employees or volunteers by questioning witnesses or otherwise.
- (4) Conduct any activity which might constitute or be construed as establishment of city policy.

(Ord. No. 09-5485, § 1, 1-12-09)

(Supp. No. 61)

Created: 2023-07-24 09:31:46 [EST]

Sec. 2-509. Supervision by mayor and city council.

The advisory boards, commissions or committees are established to advise and provide recommendations to the mayor and city council on particular issues. As such, the mayor and city council have the authority to direct, supervise, and oversee the activities of any board, commission or committee.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-510. Reports.

The presiding officer of each board, commission or committee shall report to the mayor and city council annually either in person or in writing. If the presentation is in person, it will be at a council work session at a date and time arranged through the staff liaison.

(Ord. No. 09-5485, § 1, 1-12-09)

DIVISION 2. ANIMAL CONTROL BOARD**Sec. 2-511. Created.**

There is hereby created an animal control board.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-512. Composition, appointment.

The animal control board shall be composed of five (5) members.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-513. Powers and duties.

The animal control board shall serve in an advisory capacity to the city council and shall be for the purpose of providing citizen input to the policy decisions of the city council. The primary responsibilities of the board are to review existing and proposed city policies and to review city department activities to ensure that city policies are being implemented and carried out and further, to report any shortcomings and to make recommendations to the city council in the formulation of programs and policies to improve among others the following areas of concern:

- (1) Reserved.
- (2) Reserved.
- (3) The formulation of policies, regulations, implementation and control of animals within the city;
- (4) Solving the serious problem created by the uncontrolled reproduction of pet animals;
- (5) Cooperation with other municipal, county and state governments.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 09-5489, § 1, 4-13-09)

Secs. 2-514—2-517. Reserved.

(Supp. No. 61)

Created: 2023-07-24 09:31:46 [EST]

DIVISION 3. AVIATION/TRANSIT BOARD

Sec. 2-518. Created.

There is hereby created an aviation/transit board.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-519. Composition; appointment.

- (a) The aviation/transit board shall be composed of seven (7) members.
- (b) After June 20, 1983 at the time the first vacancy on the board occurs, that position will be filled by appointment of a person from an airport impact area. An airport impact area is defined as an area close to the airport that may in some way be impacted by activity at the airport. As the next vacancy occurs, it will be filled by a person with business management background not related to airport activities. Thereafter, one (1) appointee to the aviation/transit board shall be from an impact area and one (1) shall be a person with a business management background not related to airport activity; provided, that the requirements as imposed herein shall be followed as closely as reasonably possible.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-520. Duties and responsibilities.

The aviation transit board shall be a citizens advisory board to the city council to aid the city council in formulating city policy in matters pertaining to the MET Transit System, the airport and the concomitant properties. The primary responsibility of the board is to review existing and proposed city policies and to review city department activities to ensure that city policies are being implemented and carried out and further, to report any shortcomings and make recommendations to the city council.

(Ord. No. 09-5485, § 1, 1-12-09)

Secs. 2-521—2-524. Reserved.

DIVISION 4. COMMUNITY DEVELOPMENT BOARD

Sec. 2-525. Created.

There is hereby created a community development board.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-526. Composition, appointment.

The community development board shall be composed of nine (9) members. Six (6) members shall be appointed from lower-income neighborhoods of the city as defined by federal regulations for the community development block grant program and three (3) additional members from the community at large.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-527. Powers and duties.

The community development board shall serve in an advisory capacity to the city council for the purpose of providing citizen input to the policy decisions of the city council. The primary responsibilities of the board are to review existing and proposed city policies and to review city department activities to ensure that city policies are being implemented and carried out and further, to report any shortcomings and make recommendations to the city council in the area of community development.

(Ord. No. 09-5485, § 1, 1-12-09)

Secs. 2-528—2-532. Reserved.*DIVISION 5. RESERVED²***Secs. 2-533—2-539. Reserved.***DIVISION 6. RESERVED³***Secs. 2-540—2-549. Reserved.***DIVISION 7. HUMAN RELATIONS COMMISSION***Sec. 2-550. Created.**

There is hereby created a human relations commission.

(Ord. No. 09-5485, § 1, 1-12-09)

²Editor's note(s)—Ord. No. 12-5591, § 1, adopted November 26, 2012, repealed the former division 5, §§ 2-533—2-535 in its entirety, which pertained to the emergency services board, and derived from Ord. No. 09-5485, § 1, adopted January 12, 2009.

³Editor's note(s)—Ord. No. 17-5688, § 1, adopted April 10, 2017, repealed Div. 6, §§ 2-540—2-544, which pertained to the ethics board and derived from Ord. No. 09-5485, § 1, adopted Jan. 12, 2009.

Sec. 2-551. Composition, appointment.

The human relations commission shall consist of nine (9) members to be appointed by the mayor with the consent of the city council. The members shall be broadly representative of all citizens and shall reflect as far as possible the religious, racial, ethnic and minority groups of the community whose training, interest, background or experience will aid the commission in its work.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 20-5734 , 3-9-20)

Sec. 2-552. Functions and duties.

The function and duties of the human relations commission shall be to:

- (1) Promote mutual understanding and respect among all;
- (2) Become informed on all matters concerning human relations and foster programs of community education with the object of improving human relations among all citizens of the community;
- (3) Review, study, and assist with complaints, problems and specific situations arising between groups or individuals which result in tensions, discriminations, or prejudice in the city;
- (4) Cooperate with and advise various groups and agencies in programs devoted to the improvement of human relations;
- (5) Inform and make recommendations to the mayor and city council concerning any matters or programs brought before the commission for the furtherance and advancement of human relations and at least once a year submit a report of its work; and
- (6) Refer all matters to the police department that are within its jurisdiction.

Nine (9) members and one city staff member shall meet the 1st Thursday of each month, 12:15 p.m., City Hall Conference Room.

(Ord. No. 09-5485, § 1, 1-12-09; Ord. No. 20-5734 , 3-9-20)

Secs. 2-553—2-556. Reserved.

DIVISION 8. LIBRARY BOARD

Sec. 2-557. Created.

There is hereby created a library board.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-558. Composition; appointment.

The library board shall consist of six (6) members appointed by the mayor with the consent of the city council and other members who may be appointed pursuant to contract.

(Ord. No. 09-5485, § 1, 1-12-09)

(Supp. No. 61)

Created: 2023-07-24 09:31:46 [EST]

Sec. 2-559. Organization.

The library board shall elect from its membership at the first meeting of every calendar year a chairperson and vice-chairperson. The library director shall serve as secretary. The board shall also elect one (1) person to serve on the library federation board of trustees. The chairperson and the federation representative may be, but need not be, the same person.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-560. Powers and duties.

The library board shall be advisory to the city council and shall only assume those functions additionally as may be prescribed and agreed upon by contract between the city and other governmental agencies.

(Ord. No. 09-5485, § 1, 1-12-09)

Secs. 2-561—2-564. Reserved.

DIVISION 9. BILLINGS PARKING BOARD⁴

Sec. 2-565. Created.

There is hereby created a parking policy board to be named the Billings Parking Board.

(Ord. No. 15-5660, § 1, 10-26-15)

Sec. 2-566. Composition, appointment, term.

The Billings Parking Board shall be composed of nine (9) members.

(Ord. No. 15-5660, § 1, 10-26-15)

Sec. 2-567. Powers and duties.

The Billings Parking Board shall advise and make policy recommendations to the city council in all aspects of parking within the city. The purpose of the board is to provide citizen input to the policy decisions of the city council. The primary responsibilities of the board are to provide input and policy recommendations on all aspects of public parking, including but not limited to, on-street parking, parking meters, parking garages, parking lots, long-range financial plans for parking, annual budget, operating and capital projects plans, parking fees, parking fines and other existing and proposed parking policies of the city, to report any shortcomings, and to make recommendations to the city council with regard to public parking.

⁴Editor's note(s)—Ord. No. 15-5660, §§ 1—3, adopted October 26, 2015, amended division 9 in its entirety to read as herein set out. Formerly, division 9 pertained to the parking advisory board, and derived from Ord. No. 09-5485, § 1, adopted January 12, 2009.

(Ord. No. 15-5660, § 1, 10-26-15)

Secs. 2-568—2-571. Reserved.

DIVISION 10. PARKS, RECREATION AND CEMETERY BOARD

Sec. 2-572. Created.

A parks, recreation and cemetery board is hereby created.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-573. Composition, appointment.

The parks, recreation and cemetery board shall consist of nine (9) members. At least one (1) such member shall be representative of School District Number 2.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-574. School appointee.

If the member of the parks, recreation and cemetery board who is also a representative of School District Number 2 ceases to be the nominee of the school district, his or her membership on this board shall forthwith terminate, and a successor nominee of the school district shall be appointed.

(Ord. No. 09-5485, § 1, 1-12-09)

Sec. 2-575. Powers and duties.

The parks, recreation and cemetery board shall serve in an advisory capacity to the city council for the purpose of providing citizen input to the policy decisions of the city council. The primary responsibilities of the board are to review existing and proposed city policies and to review city department activities to ensure that city policies are being implemented and carried out. Further, to report any shortcomings and to make recommendations to the city council in the following and other related areas:

- (1) Establishment, acquisition, maintenance and management of city parks;
- (2) Establishment, acquisition, maintenance and conduct of playgrounds, swimming pools, baths, gymnasiums, recreation halls, recreation places, recreation centers and athletic activities within the city limits and within four and one-half (4½) miles from the city limits together with recommendations to the city concerning entertainment, plays, concerts and celebrations;
- (3) Cooperate with all other governmental and private agencies and entities in the development of recreational activities and opportunities within the city and surrounding areas;
- (4) Establishment, acquisition, maintenance and management of the city cemeteries.

(Ord. No. 09-5485, § 1, 1-12-09)

Secs. 2-576—2-579. Reserved.

Created: 2023-07-24 09:31:46 [EST]

(Supp. No. 61)

- CITY CODE
Chapter 2 - ADMINISTRATION
ARTICLE 2-500. - BOARDS, COMMISSIONS AND COMMITTEES
DIVISION 11. PUBLIC WORKS BOARD

DIVISION 11. PUBLIC WORKS BOARD⁵

Sec. 2-580. Created.

There is hereby created a public works board.

(Ord. No. 10-5504, § 2, 2-22-10)

Sec. 2-581. Composition, appointment.

The public works board shall be composed of seven (7) members.

(Ord. No. 10-5504, § 3, 2-22-10; Ord. No. 22-5803 , § 1, 4-25-22)

Sec. 2-582. Powers and duties.

The public works board shall serve in an advisory capacity to the city with respect to all aspects of public works. The board may recommend to the city the adoption of such rates, fees and charges as it may deem just and proper, subject to other requirements and provisions imposed by law.

In addition, the board shall serve in an advisory capacity to the city council in all aspects of traffic control.

The purpose of the board is to provide citizen input to the policy decisions of the city council. The primary responsibilities of the board are to review the existing and proposed city policies and to review the city department activities to ensure that city policies are being implemented and carried out and further to report any shortcomings and to make recommendations to the city council.

(Ord. No. 10-5504, § 4, 2-22-10; Ord. No. 22-5803 , § 1, 4-25-22)

Secs. 2-583, 2-584. Reserved.

DIVISION 12. RESERVED⁶

Secs. 2-585—2-587. Reserved.

⁵Editor's note(s)—Ord. No. 10-5504, §§ 1—4, adopted February 22, 2010, amended division 11 in its entirety to read as herein set out. Formerly, division 11, §§ 2-580—2-582 pertained to the public utilities board, and derived from Ord. No. 09-5485, § 1, adopted January 12, 2009.

⁶Ord. No. 22-5803 , § 2, adopted April 25, 2022, repealed Div. 12, §§ 2-585—2-587, which pertained to traffic control board and derived from Ord. No. 09-5485, § 1, adopted Jan. 12, 2009.

Sec. 2-224. Ad hoc council advisory committees.

The mayor and city council may, by resolution, create such ad hoc council advisory committees as needed. Provided, however, that all such committees must be created pursuant to an adopted council resolution establishing, at a minimum, the following:

- (a) The purpose or charge of the committee;
- (b) The scope of its responsibilities;
- (c) The composition of the committee; and
- (d) The duration of the committee.

The city administrator shall be charged with assigning appropriate staff to any committee created under this paragraph to ensure compliance with all applicable open public meetings law.

(Ord. No. 03-5239, §§ 1, 2, 2-24-03)

RESOLUTION 23-_____

**A RESOLUTION RESCINDING AND REPEALING RESOLUTION
NO. 04-18101 ESTABLISHING A PUBLIC ART POLICY**

WHEREAS, on March 22, 2004, City Council approved Resolution No. 04-18101, creating a policy to address public art and an ad hoc committee to make recommendations to City Council regarding appropriateness and placement of public art; and

WHEREAS, the policy established by this resolution requires this committee to be convened as necessary to review any art to be displayed on City property; and

WHEREAS, Billings, Montana City Code (BMCC), Article 2-500 requires all committees, boards, and commissions to follow the rules and procedures set forth in that article; and

WHEREAS, some of the requirements of the resolution are unclear and must be clarified before the policy can be properly implemented; and

WHEREAS, the resolution does not clearly define "public art" nor does it clearly state that the policy applies to art loaned to, gifted to, or purchased by the City; and

WHEREAS, the policy requires appointments of "two representatives that have an interest in the project" to the ad hoc committee but it is unclear who is to make those appointments; and

WHEREAS, another two appointments of members to this ad hoc committee are made by the Mayor which, as set forth in BMCC 2-501.2, requires a 30 day notice of vacancy to be published prior to appointment. The appointments must then be placed on a regular meeting agenda for Council to consider; and

WHEREAS, these procedures and requirements for appointment of committee members is not practical or efficient for a committee that meets only as necessary; and

WHEREAS, the City desires to have a more effective and operational policy that may be convened easily and quickly to address art donations, loan offerings, or the commissioning of art by the City; and

WHEREAS, this policy has not been followed as it was overlooked for many years by City staff and as a result different departments created suitable policies to address art to be displayed on City property within those departments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA that the policy established creating a public art policy and an ad hoc review committee is rescinded and Resolution No. 04-18101 is repealed.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the _____ day of _____, 2023.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk