

RESOLUTION NO. 09-18848

A RESOLUTION REPEALING CITY OF BILLINGS RESOLUTION NO. 07-18594, CREATING A BOARD OF TRUSTEES FOR BILLINGS TOURISM BUSINESS IMPROVEMENT DISTRICT NO.0002, APPOINTING TRUSTEES AND SPECIFYING THE POWERS AND DUTIES OF THE BOARD.

WHEREAS, the Billings City Council created the Tourism Business Improvement District No. 0002 on August 27, 2007, by approving Resolution No. 07- 18593, and

WHEREAS, according to Montana State Code 7-12-1121 MCA, a Board of Trustees must be created to govern the District and five (5) to seven (7) Trustees must be appointed to govern any Business Improvement District, and

WHEREAS, the Billings City Council approved Resolution No. 07-18594 on August 27, 2007, creating and naming an initial Board of Trustees whose terms began on September 1, 2007, and

WHEREAS, the Billings Tourism Improvement District No. 0002 Board of Trustees requested on June 16, 2009, that their terms of office be adjusted to coincide with the budget fiscal year (July 1), and

WHEREAS, Montana Code Annotated does not provide clear authority to change terms of office but 7-12-1123 allows the appointing authority, with Council consent, to remove trustees from office, and

WHEREAS, Mayor Ron Tussing recommends that the Billings City Council 1) repeal Resolution No. 07-18594, 2) create a new Board of Trustees for the Tourism Business Improvement District No. 0002 and 3) confirm the appointment of seven (7) Trustees named below.

BE IT RESOLVED by the City Council of the City of Billings (the "City"), Montana, as follows:

Section 1. Repeal Resolution No. 07-18594: City of Billings Resolution No. 07-18594 is hereby repealed on this date and shall have no further authority or effect on the governance of the Tourism Business Improvement District No. 0002, however, all prior lawful acts by the Board of Trustees are hereby affirmed.

Section 2. Tourism Business improvement District No. 0002 Board of Trustees: The Tourism Business Improvement District No. 0002 Board of Trustees is hereby created. There shall be seven (7) Trustees.

Section 3. Board Appointments: The Board of Trustees for the Tourism Business Improvement District No. 0002 shall be as follows and their terms shall be as shown. All terms begin July 1, 2009. After the initial term, all subsequent Trustees shall be appointed to four (4) year terms, except that a vacancy occurring during a term will be filled for the unexpired term. The unexpired term shall be filled in the same manner as other vacancies. The initial Board Chair shall be Shelli Mann, who shall serve a one (1) year term in that office. Subsequent Chair persons shall serve one (1) year terms and shall be selected by the Board.

| <u>Trustee Name</u> | <u>Initial Term</u> |
|---------------------|---------------------|
| Chris Johnson | 1 Year |
| Cheri Milne | 2 Years |
| Stephen Wahrlich | 2 years |
| Shelli Mann | 3 Years |
| Joyce Bratland | 3 Years |
| Ginny Hart | 4 Years |
| | 4 Years |

Section 4. Powers and Duties of Trustees: The appointed Trustees shall have the powers and duties set out in Sections 7-12-1121 through 7-12-1133, M.C.A. and any other applicable laws, ordinances or regulations. The Board of Trustees shall submit to the City Council for approval, a work plan and budget for the ensuing fiscal year, no later than the first (1st) day of May preceding the beginning of the fiscal year for which the work

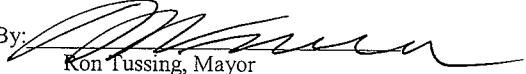
plan and budget apply. The City Council may modify the work plan and budget as it considers necessary and appropriate.

APPROVED by the City Council of the City of Billings, Montana this 27th day of July, 2009.



THE CITY OF BILLINGS:

By:


Ron Tussing, Mayor

ATTEST:

By: Cari Martin
Cari Martin, City Clerk