

BYLAWS

North Seventh Urban Renewal Board

ARTICLE I – AUTHORITY

The North Seventh Urban Renewal Board was created on **November 27, 2006** by **Ordinance Number 1685** of the City of Bozeman, in accordance with the provisions of the Urban Renewal Law, Title 7, Chapter 15, Parts 42 and 43, M.C.A. (the Act).

ARTICLE II – OBJECTIVE

The objectives of the North Seventh Urban Renewal Board are to implement this Plan as the Urban Renewal Agency hereafter referred to as the North Seventh Urban Renewal Board (NSURB). The NSURB is responsible for the implementation of this Plan pursuant to MCA§7 15 4232. Specifically the NSURB will: 1) develop plans which implement the vision for the District; 2) review on an ongoing basis the operation and processes of all public agencies to assure that such activities are supportive of the Plan; and 3) advocate and coordinate the complete and full implementation of the Plan of redevelopment within the boundaries of the North Seventh Urban Renewal District; and to further the community goals and objectives identified in the North Seventh Urban Renewal Plan created on November 27, 2006 with Ordinance 1685, including the administering of the North Seventh Urban Renewal District and Tax Increment Financing (TIF).

ARTICLE III – DEFINITIONS

As used in these bylaws:

“Board” means the North Seventh Urban Renewal Board.

“City Commission” means the elected legislative body for the City of Bozeman, Montana.

“Mayor” means the chief executive of the City of Bozeman, Montana.

“Blighted Area” refers to that area described in Resolution 3839 according to Section 7-15-4206 (2) M.C.A., and any other similar areas, so described, in subsequent urban renewal plans adopted by the City Commission.

“Redevelopment” may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in Bozeman the urban renewal provisions of the Act in accordance with the North Seventh urban renewal plan; and (d) making the land available for development or redevelopment by private enterprise or the North Seventh Urban Renewal Board (including sale, initial leasing, or retention by Bozeman itself) at its fair value for uses in accordance with the North Seventh Urban Renewal Plans.

“Rehabilitation” may include the restoration and renewal of a blighted area or portion thereof, in accordance with the North Seventh Urban Renewal Plan by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition of buildings or other improvements thereon where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic

hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in Bozeman the North Seventh Urban Renewal Boards' provisions of this act; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing or retention by the City of Bozeman itself) at its fair value for uses in accordance with such urban renewal plans.

“Urban Renewal Area” means a blighted area which the City Commission designates as appropriate for an urban renewal project or projects.

“Urban Renewal Plans” means Urban Renewal Plans adopted from time to time by the Bozeman City Commission in accordance with the Montana Urban Renewal Law (Title 7 – Chapter 15, Parts 42 & 43 M.C.A.)

“Urban renewal project” means undertakings or activities of the City of Bozeman in the Bozeman urban renewal areas for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in the North Seventh Urban Renewal Area; or rehabilitation or conservation in the North Seventh Urban Renewal Areas, or any combination or part thereof in accordance with the North Seventh Urban Renewal Plans.

“Neighborhood development program” means the yearly activities or undertakings of Bozeman in an urban renewal area if Bozeman shall elect to undertake activities on an annual increment basis.

ARTICLE IV – POWERS AND DUTIES

The Board is authorized to exercise the following urban renewal project powers:

- A. Formulate and coordinate a workable urban renewal program as specified in Section 7-15-4209 M.C.A.;
- B. Prepare urban renewal plans;
- C. Prepare recommended modifications to an urban renewal project plan;
- D. Undertake and carry out urban renewal projects as required by the local governing body;
- E. Make and execute contracts as specified in Sections 7-15-4251, 7-15-4254, 7-15-4255 and 7-15-4281 M.C.A., with the exception of contracts for the purchase or sale of real or personal property;
- F. Disseminate blight clearance and urban renewal information;
- G. Exercise the powers prescribed by Section 7-15-4255 M.C.A., except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- H. Enter any building or property, in the urban renewal areas, in order to make surveys and appraisals in the manner specified in Section 7-15-4257 M.C.A, and only when permission from the property owner has been granted;
- I. Improve, clear or prepare for redevelopment any real or personal property in an urban renewal area;

- J. Insure real or personal property as provided in Section 7-15-4258 M.C.A.;
- K. Effectuate the plans provided in Section 7-15-4254 M.C.A.;
- L. Prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
- M. Prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of building and improvements;
- N. Conduct appraisals, title searches, surveys, studies and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
- O. Negotiate for the acquisition of land;
- P. Study the closing, vacating, planning or replanning of streets, roads sidewalks, right-of-way or other places and to make recommendations with respect thereto;
- Q. Organize, coordinate and direct the administration of the provisions of this act;
- R. Perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body;
- S. The Board shall prepare an annual work program, budget and evaluation of its activities and costs in accordance with the adopted North Seventh Urban Renewal Plan and appropriate City Ordinances; and
- T. The Board may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the urban renewal law, as amended, of Montana and all other laws of the State of Montana applicable thereto. The selection and compensation of such personnel shall be determined according to the laws of the State of Montana, and in accordance with the City of Bozeman's Job Classification and Salary Plan and Personnel Policy Manual.

ARTICLE V – MEMBERSHIP

The City Commission of Bozeman, Montana, shall appoint a Board which shall consist of nine members, five of which will be voting members who reside within the city limits of Bozeman and four members without the limitation of home address. Individuals appointed to the NSURB shall have a demonstrated interest in the District or adjacent neighborhoods Pursuant to MCA§7-15-4234 the mayor by and with the advice and consent of the City Commission shall appoint the NSURB which shall consist of five voting members. The initial voting membership shall consist of one NSURB member appointed for 1 year, one for 2 years, one for 3 years, and two for 4 years. Each appointment thereafter shall be for 4 years.

1) Each voting member shall hold office until his/her successor has been appointed and has qualified.

2) A voting member shall receive no compensation for his/her service but shall be entitled to authorized necessary expenses including traveling expenses incurred in the discharge of his her duties.

3) Any person may be appointed as voting members if they reside within the municipality. The preferred composition of the NSURB would include two residents of the District two business owners in the District and one member at large.

4) A voting member may be removed for inefficiency, neglect of duty, or misconduct in office.

5) The appointment of voting members shall be ratified annually by the City Commission.

A majority of the voting members shall not hold any other public office under the municipality other than their membership or office with respect to the NSURB.

The powers and responsibilities of the NSURB shall be exercised by the members thereof according to adopted bylaws approved by the City Commission. A majority of the voting members shall constitute a quorum for the purpose of conducting business and exercising the powers and responsibilities of the NSURB and for all other purposes. Action may be taken by the NSURB upon a vote of a majority of the voting members (three) unless in any case the bylaws shall require a larger number.

In addition to the five voting members the NSURB shall be composed of a non-voting membership of not more than four individuals. The initial membership shall consist of one member appointed for 1 year, one for 2 years, one for 3 years, and one for 4 years. Each appointment thereafter shall be for 4 years. These individuals must possess demonstrated interest in the district specific expertise or other qualifications necessary to help implement the plan.

1) Each non-voting member shall hold office until his/her successor has been appointed and has qualified.

2) A non-voting member shall receive no compensation for his/her services but shall be entitled to authorized necessary expenses including traveling expenses incurred in the discharge of his/her duties.

3) A non-voting member may be removed for inefficiency, neglect of duty, or misconduct in office.

4) The appointment of non-voting members shall be ratified annually by the City Commission.

Members shall receive no compensation but are entitled to reimbursement the necessary expenses, including travel expenses, incurred in the discharge of their duties.

A. Resignation and Vacancies

1. Written resignations shall be addressed to the chair of the Board, who shall notify the City Commission via the City Clerk.

2. The City Commission shall fill any vacancy for the unexpired portion of the term within 60 days after it has occurred.

3. Each board member shall hold office until a successor has been appointed and has qualified.

B. Absence from Meetings and Removal from Office

1. Each board member shall inform the chair of the Board in advance of inability to attend a Board meeting. The chair may, at his/her discretion, excuse any member from attending any meeting.

2. Absence from three consecutive regular meetings without excuse or a total of four during a fiscal year is grounds for removal. The chair shall notify the City Commission and request that they determine the member's ability to serve and take appropriate action.
3. Any member may be removed for other causes justifying removal from office by a majority vote of the City Commission.

ARTICLE VI – OFFICERS AND DUTIES

A. Election

At its first regular meeting each fiscal year, the Board shall elect a chair, vice chair and recorder from among its members.

B. Duties

1. The chair shall preside at all meetings and hearings, call special meetings and perform the duties normally conferred by parliamentary usage on such officer and such other duties as may be prescribed by law or the NSURB bylaws.
2. The chair may enter into the discussion of matters before the Board.
3. The chair shall vote on all issues before the Board.
4. When the chair is absent, disabled or disqualified, the vice chair has the authority to act as chair.
5. In the temporary absence of both the chair and vice chair, the chair may designate a Board member as acting chair.

ARTICLE VII – MEETINGS

A. Regular Meetings

1. The Board shall meet at least once each month.
2. Any Board meeting shall constitute legally called meetings of the Board.
3. Public notice of the time, place and business to be conducted at the meeting shall be made at least 48 hours prior to the date of the meeting.

B. Special Meetings

The chair of the Board may, when the chair deems it expedient, and shall, upon the written request of two members of the Board, call a special meeting of the Board for the purpose of transacting any business designated in the call. Public notice will be posted in City Hall and least 48 hours prior to the special meeting. At such special meeting, no business shall be considered other than as designated in the call, but if all of the members of the Board are present at a special meeting, any and all business may be transacted at such special meeting.

C. Subcommittee Meetings

The Board may designate certain tasks to subcommittees. The subcommittee will consist of an odd number of members. The Board may direct the subcommittee to make decisions on their behalf. Subcommittee meetings may be held without public noticing. Subcommittee meetings must be held in a City meeting room. Subcommittee meeting minutes will be read and made part of the regular meeting minutes at the next regular meeting.

D. Quorum

1. Three voting members constitute a quorum.
2. All action of the Board shall be authorized by an affirmative vote of a majority of members at a legally constituted regular or special meeting.
3. Board members shall not pass or abstain on a vote.
4. A board member may designate another voting member as a proxy to vote on his/her behalf. Designation of the proxy shall be done in writing, signed and dated by the member requesting the proxy, and made part of the recorded minutes of the meeting for which the proxy served. The proxy shall be approved by the Board Chair. At no time will a proxy be designated for more than one voting member.

E. Parliamentary Authority

Robert's Rules of Order shall apply in all parliamentary matters unless these bylaws otherwise provide.

F. Conduct of Meetings

1. Order of Business

- a. Unless otherwise noted, the order of business at regular meetings shall be:
 1. Call to Order
 2. Introductions
 3. Approval of Minutes
 4. Public Comments and Announcements
 5. Committee Reports
 6. Old business
 7. New Business
 8. Staff Reports
 9. Other Items
 10. Adjournment
- b. The Board may vote to dispense with any item on the agenda, except Public Comments and Announcements, or to change the order of business.
- c. The Board must allow public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the Board.

2. New Business

- a. The Board may not take action on any matter discussed unless specific notice of that matter is included on the agenda and public comment has been allowed on that matter.
- b. New business may be introduced for the purpose either of Board action at a future meeting or referral to a committee or the staff for study or consideration.

G. Public Comment

The Board may set a reasonable time limit for the receipt and duration of public testimony during meetings, special meetings and public hearings.

H. Conflict of Interest

1. A conflict of interest exists when a member of the Board:
 - a. Has a financial interest in a matter under consideration by the Board or one of its committees;
or
 - b. Represents a party having such an interest; or
 - c. Upon explanation to and consent of the other members present, recuses himself or herself due to a belief that he or she cannot render an objective decision in a particular matter.
2. Before consideration of the matter, the member shall announce that he or she is disqualified. The disqualification shall be entered in the minutes of the meeting.
3. Thereafter, the member shall be excused from the meeting during consideration of the matter and shall not participate in consideration or voting thereon. The member may participate as a part of the public in attendance.

I. Public Hearings

The Board may, from time to time, conduct public hearings on certain subjects. Public notice of such hearings shall be at least 10 days before the date of the hearing.

1. Hearings are limited to the contents of the subject advertised.
2. Subject to requirements herein, the chair shall preside at all hearings.
3. The chair shall:
 - a. State a summary of the question of issue at the opening of the hearing, limiting its contents to the subject advertised for the hearing.
 - b. Specify the method of conduct of hearing.
 - c. Assure an orderly hearing, having the power to terminate the hearing if, in his/her opinion, persons become unruly.
 - d. Announce that all questions and comments shall be directed through the chair only after the speaker has been properly recognized.

- e. If the subject of the hearing is a proposed redevelopment project, announce that the owner or his/her representative must be present and that absence is a ground for disapproval.
 - f. Direct each speaker recognized to give name and address, and if appropriate, the name of the person, firm, or organization which the speaker represents.
 - g. Direct that copies of prepared statements be given to the recorder and the presiding officer to become a part of the record.
 - h. Close the hearing to the receipt of public testimony when all who wish to speak have spoken, or if the time limit set by the Board has expired.
 - i. Call first for statements from proponents, then give opponents equal opportunity for comment.
 - j. Declare the hearing to be closed or state the time, place and date upon which the hearing will be continued, after the Board members, being properly recognized at the conclusion of public testimony, have completed questioning of any person presenting testimony.
4. Minutes or record of the proceedings shall be taken at each hearing and incorporated into the permanent records of the Board.

ARTICLE VIII – AMENDMENTS

A. Procedure

Any amendment to these bylaws shall be proposed in writing by any board member at a regular meeting.

B. Approval

1. Approval of the proposed amendment requires an affirmative vote of a majority of the Board on second reading at any meeting properly called subsequent to the proposal.
2. No such amendment shall be effective until approved by the City Commission.