

**Missoula Redevelopment Agency  
BYLAWS  
Amended June 18, 2003**

**ARTICLE I - AUTHORITY**

The Missoula Redevelopment Agency was created on May 22, 1978, by Resolution Number 3779 of the City of Missoula, in accordance with the provisions of the Urban Renewal Law, Title 7, Chapter 15, Parts 42 and 43, M.C.A.

**ARTICLE II - OBJECTIVE**

The objectives of the Missoula Redevelopment Agency are to provide for the administration for new development and redevelopment within the boundaries of the Missoula Urban Renewal District; and to further the community goals and objectives identified in the Missoula Urban Renewal Plan.

**ARTICLE III - DEFINITIONS**

As used in these bylaws:

"Agency" means the Missoula Redevelopment Agency.

"City Council" means the Council of the City of Missoula, Montana.

"Mayor" means the chief executive of the City of Missoula, Montana.

"Blighted Area" refers to that area described in Resolution Number 3737 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 Council.

"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 Missoula the urban renewal provisions of this act in accordance with the Missoula urban renewal plan; and (d) making the land available for development or redevelopment by private enterprise or the Missoula Redevelopment Agency (including sale, initial leasing, or retention by Missoula itself) at its fair value for uses in accordance with the Missoula Urban Renewal Plans.

"Rehabilitation", may include the restoration and renewal of a blighted area or portion thereof, in accordance with the Missoula Urban Renewal Plans 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 Missoula the Missoula Urban Renewal Plans' 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 Missoula itself) at its fair value for uses in accordance with such urban renewal plans.

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

"Urban Renewal Plans" means Urban Renewal Plans adopted from time to time by the Missoula City Council in accordance with the Montana Urban Renewal Law (Section 7-15 Parts 42 & 43 M.C.A.).

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

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

#### ARTICLE IV - POWERS AND DUTIES

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

- A. Formulate and coordinate a workable 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.;
- 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 for 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.

## ARTICLE V – MEMBERSHIP

The Mayor of Missoula, Montana, by and with the advice and consent of the City Council, shall appoint a board of commissioners of the Agency which shall consist of five commissioners. The initial membership shall consist of one commissioner appointed for one year, one for two years, one for three years and two for four years; and each appointment thereafter shall go for four years. Any persons may be appointed as commissioners if they reside within the City of Missoula, Montana.

### A. Resignation and Vacancies

- 1. Written resignations shall be addressed to the chairman of the Agency, who shall notify the Mayor.

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

B. Absence from Meetings and Removal from Office

1. Each commissioner shall inform the chairman of the Agency in advance of inability to attend an Agency meeting. The chairman may, at his discretion, excuse any commissioner 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 chairman shall notify the Mayor and request that he determine the commissioner's ability to serve . and take appropriate action.
3. Any appointee may be removed for other causes justifying removal from office by a majority vote of the City Council.

**ARTICLE VI - OFFICERS AND DUTIES**

A. Election

At its first regular meeting each fiscal year, the Agency shall elect a chairman and vice chairman from among its commissioners.

B. Duties

1. The chairman 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 those bylaws.
2. The chairman may enter into the discussion of matters before the Agency.
3. The chairman shall vote on all issues before the Agency.
4. When the chairman is absent, disabled or disqualified, the vice chairman. has the authority to act as chairman.
5. In the temporary absence of both the chairman and vice chairman, the chairman may designate an Agency commissioner as acting chairman.
6. The Agency shall prepare an annual work program, budget, and evaluation of its activities and costs in accordance with the appropriate City Ordinances.
7. The Agency 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 Missoula's Job Classification and Salary Plan and Personnel Policy Manual.

## **ARTICLE VII - MEETINGS**

### **A. Regular Meetings**

1. The Agency shall meet at least once each month.
2. Any Agency meeting shall constitute legally called meetings of the Agency.

### **B. Special Meetings**

The chairman of the Agency may, when he deems it expedient, and shall, upon the written request of two commissioners of the Agency, call a special meeting of the Agency for the purpose of transacting any business designated in the call. The call for a special meeting shall be mailed to each commissioner of the Agency at his business or home address at least 48 hours prior to the date of such special meeting. At such special meeting, no business shall be considered other than as designated in the call, but if all of the commissioners of the Agency are present at a special meeting, any and all business may be transacted at such special meeting.

### **C. Quorum**

1. Three commissioners constitute a quorum.
2. All action of the Agency shall be authorized by an affirmative vote of three commissioners at a legally constituted regular or special meeting.
3. Board members shall not pass on a vote.

### **D. Parliamentary Authority**

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

### **E. 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 Agency may vote to dispense with any item on the agenda, except Public Comments and Announcements, or to change the order of business.
- c. The Agency 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 Agency.

## 2. New Business

- a. The Agency 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 Agency action at a future meeting or referral to a committee or the staff for study or consideration.

## F. Public Hearings

### 1. Notice

At least 15 days before the date for hearing, the Agency shall publish in a newspaper of general circulation in the jurisdictional area a notice of the subject, time and place of the hearing.

### 2. Procedures

- a. Duties of the chairman – the chairman shall:
  - 1) Preside at all public hearings.
  - 2) State a summary of the question of issue at the opening of the hearing, limiting its contents to the subject advertised for the hearing.
  - 3) Specify the method of conduct of hearing.
  - 4) Assure an orderly hearing, having the power to terminate the hearing if, in his opinion, persons become unruly.
  - 5) Announce that all questions and comments shall be directed through the chairman only after the speaker has been properly recognized.
  - 6) If the subject of the hearing is a proposed redevelopment project, announce that the owner or his representative must be present and that absence is a ground for disapproval.
  - 7) Direct each speaker recognized to give name and address, and if appropriate, the name of the person, firm, or organization which the

speaker represents.

- 8) Direct that copies of prepared statements be given to the secretary and the presiding officer to become a part of the record.
- 9) 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 Agency has expired.
- 10) Call first for statements from proponents, then give opponents equal opportunity for comment.
- 11) Declare the hearing to be closed or state the time, place, and date upon which the hearing will be continued, after the Agency commissioners, being properly recognized at the conclusion of public testimony, have completed questioning of any person presenting testimony.

b. Duties of secretary - the secretary shall:

- 1) Read the legal advertisement and announce the dates upon which and the name(s) of the newspaper(s) in which the advertisement appeared.
- 2) Take minutes or record the proceedings at each hearing in which an ultimate right of appeal lies to the district court.
- 3) Incorporate the record of the hearing in the minute book of the Agency as permanent part of its records.

3. Power of the Agency - The Agency may set a reasonable time limit for the receipt of public testimony.

G. Conflict of Interest

1. A conflict of interest exists when a commissioner of the Agency:
  - a. Has a financial interest in a matter under consideration by the Agency or one of its committees; or
  - b. Represents a party having such an interest.
2. Before consideration of the matter, the member shall announce that he or she is disqualified and the disqualification shall be entered in the minutes of the meeting.
3. Thereafter, the commissioner shall be excused from the meeting during consideration of the matter and shall not participate in consideration or voting thereon. The commissioner may participate as a part of the public in attendance.

## ARTICLE VIII - AMENDMENTS

### A. Procedure

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

### B. Approval

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