

**BYLAWS OF THE BUTTE-SILVER BOW CITY-COUNTY SUPERFUND
ADVISORY AND REDEVELOPMENT TRUST AUTHORITY
August 2016**

Article I – Creation

The Butte-Silver Bow Superfund Advisory and Redevelopment Trust Authority (hereinafter known as The Authority) was created by adoption of Chapter 2.94 of the Butte-Silver Bow Municipal Code.

Article II – Objectives

The Objectives of the Butte-Silver Bow Redevelopment Trust Authority as outlined in Chapter 2.94 of the Butte-Silver Bow Municipal Code and pursuant to the Allocation Agreement (The Agreement and its amendments – on permanent file with the BSB Clerk and Recorder is an agreement between the City and County of Butte-Silver Bow and Atlantic Richfield outlining the remedial duties, responsibilities and funding sources within the Butte Priority Soils Operable Unit (BPSOU).) are as follows:

- A.
- 1) Evaluate and direct plans, programs and projects which promote redevelopment of properties affected by past mining activities;
 - 2) Review and direct plans and infrastructure improvements which maintain or improve remedies already implemented;
 - 3) Review proposals that promote economic development and activities that provide incentives for growth or promote the reuse of land within BPSOU.

- B.
- In addition, pursuant to Chapter 2.94, the Superfund Advisory Board shall advise the Chief Executive and the Council on all superfund matters that come before the local government including but not limited to BPSOU, Montana Pole, Berkley Pit, Non priority soils, and activities associated with the Natural Resource Damage Claim Activities.

Article III – Powers and Duties

The Authority shall have the powers and duties as stipulated in Chapter 2.94 of the Butte-Silver Bow Municipal Code.

The Authority shall adopt guidelines that identify and discuss the criteria that will be used to guide the planning and use of the funds in the Redevelopment Trust Account, consistent with the Allocation and Settlement Agreement.

The Authority shall authorize the Chief Executive to execute contracts related to the use and expenditure of Redevelopment Trust Funds granted by the Authority.

Article IV – Office of Agency

The Authority shall maintain its records in the Butte-Silver Bow Clerk and Recorder’s Office where all permanent local government records are kept.

Article V – Membership, Selection, Term of Office, Resignation, Removal, Attendance

1. The Authority shall consist of eleven voting members and four ex-officio members, all residents of the city-county to be appointed in accordance with Chapter 2.94 of the Butte-Silver Bow Municipal Code.
2. Terms of office shall be three (3) years and shall be staggered as provided in Chapter 2.94 of the Butte-Silver Bow Municipal Code.
3. Resignation from the Authority shall be in written form to the Chairperson who will then notify the Chief Executive. Vacancies occurring on the Authority shall be filled within 60 days by appointment by the Chief Executive and are subject to the confirmation of the Council of Commissioners for the unexpired portion of the term.
4. Authority members not able to attend a regularly scheduled or special meeting shall notify the Secretary of the Authority not less than 24 hours before the meeting.
5. Authority members must attend seventy-five (75) percent of regularly scheduled and special meetings during any calendar year. Failure to attend seventy-five (75) percent or more of the meetings will be cause for replacement. A majority of the Authority may make an exception in special cases.

Article VI – Officers and Their Duties

1. The Authority shall elect from its membership a Chairperson and Vice Chairperson at its first regularly scheduled meeting of each year.
2. The Chairperson shall preside at all meetings and hearings of the Authority and shall have the duties normally conferred by parliamentary usage on such officers, call special meetings, and generally perform other duties as may be prescribed in these bylaws or by Authority action. The Chairperson shall have the privilege of participating in all matters before the Authority and voting thereon.
3. The Vice Chairperson shall have the authority to act as Chairperson in his/her absence.
4. The Superfund Coordinator or its staff designee shall serve as Secretary to the Board.

Article VII – Meetings

1. Regular meetings shall be the second Tuesday of each month; additional regular meetings as necessary shall be the 4th Tuesday of each month. The Chairperson may cancel or reschedule a regular meeting for due cause.
2. Special meetings of the Authority may be called by the Chairperson or by five (5) members upon written request to the Superfund Coordinator. All meetings shall be held in public and in accordance with the Montana open meeting law. Notice

of special meeting shall be given at least 48 hours in advance, and notices should be circulated to reach all interested and affected members of the community in sufficient time to enable them to participate meaningfully.

3. A majority of the voting members shall constitute a quorum. No action of the Authority is official, however, unless authorized by a majority of the voting members of the Authority at a regular or properly called special meeting.
4. Members can vote via teleconferencing, provided they have been present to consider the public input and participated in the deliberations occurring at the meeting at which the vote is taken.
5. Meetings of the Authority shall be conducted in accordance with Mason's Rules of Order unless otherwise specified in these bylaws.
6. Each member present shall vote on every action item as so designated on the noticed agenda and under consideration by the Authority, unless excused by a majority of the Authority members present, or unless that member has declared a conflict of interest pursuant to the provisions of the "Code of Ethics" as outlined in Sections 2-2-101 through 2-2-207, M.C.A.

Where an Authority member has declared a conflict of interest, that member shall not participate in discussion, consideration or vote on that item as a member of the Authority, but may participate as part of the public in attendance after being duly excused by the Chairperson.

In the event a member is excused by the Authority or has a conflict of interest, such fact shall be entered in the Minutes of the meeting.

7. Written Minutes of all meetings of the Authority shall be kept pursuant to the requirements of Section 2-3-212, M.C.A. The Minutes may be a summary of the meeting, but shall include the following:
 - a) Date, time and place of meeting;
 - b) A list of members of the Authority present;
 - c) The substance of all matters discussed, proposed or decided;
 - d) A record of all decisions made by the Authority;
 - e) At the request of any member a record of votes.
8. All expenditures approved and made by the Authority will be reviewed at each monthly meeting. The Authority will review its overall budget and balance sheet on a quarterly basis.
9. The Authority shall charge a reasonable fee for costs of copying or reproduction of materials requested.

Article VIII – Order of Business

1. Unless otherwise determined by the Chairperson, the order of business at regular meetings shall be:

- a) Call to Order
 - b) Roll Call – establish a quorum
 - c) Approval of Prior Meeting Minutes
 - d) Public Comment on any Item on the Agenda
 - e) Public Hearings
 - f) New Business
 - g) Old Business
 - h) Other Business
 - i) Special Subcommittee Reports
 - j) Public Comment on any Item not on the Agenda
 - k) Adjournment
2. A motion from the floor must be made and passed in order to dispense with any item on the agenda or change the order of business.
 3. No new business submitted to the Authority for action shall be acted upon unless it is submitted seven (7) days prior to a regular meeting date.

New business that has not been submitted seven (7) days prior to a regular meeting date will be placed on the next regularly scheduled meeting or will be referred to staff for analysis. Provisions of this section may be waived by the unanimous vote of the voting members present.

Article IX – Hearings

1. The Authority may hold hearings, in addition to the hearings required by local ordinance or state law, when it declares that such hearings will be in the public interest.
2. The Authority shall cause to be published in a newspaper of general circulation in the Butte-Silver Bow area, a notice of the date, time and place of the hearing, a brief statement of the action to be taken, and the address and telephone number of the person who may be contacted for further information. The notice shall be published twice, with at least 6 days separating each publication.
3. The procedures of the public hearing shall be as follows:
 - a) The Chairperson of the Authority shall preside at the public hearings.
 - b) The secretary shall take the Minutes which shall be incorporated into the Minute book of the Authority and to be a permanent part of the record.
 - c) The secretary shall confirm the legal advertisement.
 - d) A summary of the questions or issues shall be stated by the presiding officer at the opening of the hearing. Contents will be limited to the subject advertised for hearing. The Chairperson shall describe the method of conduct of the hearing.

- e) The Chairperson shall assure an orderly hearing. The Chairperson shall reserve the right to terminate the hearing in the event discussion becomes unruly or unmanageable.
- f) It shall be made clear at the hearing that all questions and comments must be directed through the Chair only after being properly recognized by the Chairperson.
- g) All persons recognized shall give their name and address, and if applicable, the name of the person, firm or organization they represent.
- h) Copies of prepared statements shall be given to the secretary and the Chairperson and shall become a part of the record.
- i) The order of presentation after introduction of an item by the Chairperson will be:
 - (1) Presentation of staff report
 - (2) Questions by the Authority
 - (3) Comments by the applicant
 - (4) Comments by interested citizens
 - (5) Additional comments by the applicant, as appropriate
 - (6) Additional comments by staff, as necessary
- j) The Chairperson shall ask if all who wish to speak have spoken. If there is none, the public testimony will be closed and the matter will return to the Authority for discussion and action.
- k) Members of the Authority, upon recognition by the Chair, may question any person presenting testimony after all public testimony has been completed.
- l) The hearing shall be conducted only for the purpose of taking testimony to be considered in the deliberations of the regular meetings of the Authority.

Article X – Subcommittees

1. Special subcommittees of members may be appointed by the Chairperson for purposes and terms which the Authority approves.
2. Subcommittees shall be appointed for a maximum of one (1) year by the Chairperson at the next regular meeting following the election of officers. The membership of all subcommittees shall reflect the general composition of the Authority. The subcommittee members shall elect a Chairperson at its first meeting.
3. The subcommittee shall report to the Authority on all items referred to it. Committee reports shall include a majority and minority opinion, if such exists.

4. The Superfund Coordinator or his staff designee shall attend subcommittee meetings and participate in discussion, presenting alternatives and information relevant to the issue under consideration.

Article XI – Amendments

Bylaw amendments may be introduced in writing by any member of the Authority at a regular meeting. Action by a majority of the Authority on the amendments may be taken at any meeting properly called subsequent to the introduction of the amendment.