

11/30/93

JOINT RESOLUTION NO. 10677

COUNTY RESOLUTION NO. 1993-166

BE IT JOINTLY RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, AND THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, MONTANA, AS FOLLOWS:

Section 1. Recitals and Authority.

1.01. By Joint Resolution No. 7910, the City of Helena (hereinafter the "City") and the County of Lewis and Clark (hereinafter the "County") (collectively the "governing bodies") continued the Joint City-County Airport. Since the effective date of Joint Resolution 7910, the City and County have jointly exercised the powers granted airport authorities. The airport has generally been known in the community as the Helena Regional Airport Authority.

1.02. The City and County now desire to create a regional airport authority, a public body, corporate and politic, to be known as the Helena Regional Airport Authority (hereinafter referred to as Authority), pursuant to §§ 67-11-101, et seq., MCA.

Section 2. Creation of Regional Airport Authority.

2.01. Pursuant to Title 67, Chapter 11, Part 1, MCA, the City and County hereby create the Helena Regional Airport Authority (hereinafter referred to as the "Authority"), a public body corporate and politic.

Section 3. Powers.

3.01. Except as otherwise provided herein, the Authority shall have all the powers granted to regional airport authorities

by the provision of Title 67, Chapter 11, MCA, or any supplements or amendments thereto.

Section 4. Board of Commissioners.

4.01. The powers of the Authority shall be vested in a seven-member Board of Commissioners, hereinafter referred to as the "Authority Board" or "Airport Board". Three members of the Authority shall be appointed by the County and three members shall be appointed by the City, and the seventh member shall be jointly appointed by the City and the County. The terms of the initial members of the Board shall be staggered so that approximately one-third of the members' terms will expire each year on September 1. Vacancies on the Board shall be filled by the governing body which had appointed the vacating member, and the appointment shall be for the unexpired term. Each member of the Board shall hold office until his/her successor is appointed and qualified.

4.02. Upon the adoption of this resolution, a new board will be appointed.

4.03. Board members shall be appointed for a three year term. No Board member may serve more than two terms, except that Board members who are initially appointed for either a one or two-year term shall be subject to this limitation subsequent to the initial, shortened term.

4.04. The Board shall adopt rules and regulations for its own government. The Board shall keep a record of its proceedings and all meetings of the Board shall be subject to the open

meeting law. Copies of minutes of all regular meetings shall be provided to the City and County Commissioners.

Section 5. Budget and Finance.

5.01. The Authority shall have an independent certified public accountant selected by the Authority and approved by the City and County Commissioners to perform a financial report and audit of the Authority each fiscal year, and the Authority shall provide the Board of County Commissioners and the City Commission with a copy of each annual audit and financial report within 120 days after the end of each fiscal year. Audits and reports shall be prepared in conformity with state and federal standards and rules.

5.02. Funds provided to the airport Authority by the county for fiscal year 1994 shall be \$120,000.00; for fiscal year 1995 \$100,000.00; for fiscal year 1996 \$80,000.00; for fiscal year 1997 \$60,000.00; for fiscal year 1998 \$40,000.00; and for fiscal year 1999 \$20,000.00. Thereafter the County will not be obligated to fund airport operations through the mill levy.

5.03. The Authority may request the county to levy a tax for airport purposes. The County is not required to levy any tax but may levy a tax not to exceed the maximum amount permitted by statute.

5.04. The Authority may borrow money for any of its corporate purposes and issue its bonds therefor, including refunding bonds, in such form and upon such terms as the

Authority may determine, payable out of the revenues of the Authority. The bonds may be issued by resolution of the Authority, without an election, as provided in § 67-11-303, MCA. The Authority shall not issue general obligation bonds unless authorized or approved by the City of Helena or Lewis and Clark County.

5.05. The total expenditures to be made by the Authority for any purpose in any fiscal year shall be as determined by a budget prepared and approved by the Authority on or before the preceding June 10. Public notice will be given and a public hearing held by the Authority prior to approval of the annual budget. A copy of the proposed and final budgets shall be provided to the City and County Commissioners and the City Library.

Section 6. Property.

6.01. The real property presently owned by the airport or hereafter acquired shall be held by the airport in the name of Helena Regional Airport Authority.

6.02. The Authority shall assume all debts, duties, obligations, and liabilities and succeed to all rights and privileges of the Joint City-County Airport Board created by Joint Resolution No. 7910, and shall execute such instruments as may be necessary or appropriate to effect said assumption and succession. This Joint Resolution shall not otherwise affect the rights or obligations of the City and County with respect to contracts or agreements relating to the airport.

Section 7. Zoning; Streets and Roads; Police and Fire Protection.

7.01. To the extent not inconsistent with FAA rules and regulations and Montana statutes pertaining to the operation of airports, the Airport Authority, as to property within the City of Helena is subject to the zoning and building regulations or ordinances thereof. The Authority's Board of Commissioners shall serve as the Airport Board of Adjustment to administer airport zoning regulations under Title 11, Chapter 35, of the Helena City Ordinances, and Title 11, Chapter 36 with regard to the airport noise influence district.

7.02. To the extent not inconsistent with FAA rules and regulations and Montana statutes pertaining to the operation of airports, the Airport Authority shall recognize and implement the long-range transportation plan of the Helena Urban Transportation Plan. The Authority will cooperate with the City and County in establishing roads and streets, which shall be maintained by the City or the County as in the past.

7.03. The Authority will cooperate with the City of Helena with regard to police and fire protection. The airport is subject to adopted uniform fire code regulations together with all other police and fire regulations. If the City determines that it is necessary to locate fire facilities on airport property, the Authority shall provide a suitable location, and provide land at no more than fair market value.

Section 8. Duration.

8.01. At the expiration of ten (10) years from the date of adoption of this resolution, the City and County shall determine whether to extend the term of this resolution, amend or modify the resolution, or terminate the airport authority. If the authority is not extended, the airport shall revert to the status of the joint city-county airport as established in Joint Resolution No. 7910.

Section 9. Dissolution.

9.01. In the event the authority becomes insolvent, the airport assets shall first be applied to any outstanding liabilities or indebtedness and the remaining assets shall be apportioned between the City and County as they may determine.


Section 10. Amendment.

10.01. This Resolution may be amended to comply with federal or state statutes and rules, or at the request of the Authority to address conditions requiring amendment.

Section 11. Repealer.

11.01. Joint Resolution No. 7910 of the City of Helena and County of Lewis and Clark is hereby repealed.

FIRST PASSED BY the Commission of the City of Helena,
Montana, this 13th day of December, 1993.



Mayor Pro Tem

ATTEST:



Clerk of the Commission

FINALLY PASSED BY the Commission of the City of Helena,
Montana, this _____ day of _____, 1993.

ATTEST:

Mayor

Clerk of the Commission

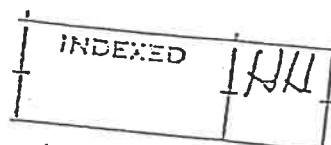
UNANIMOUSLY APPROVED, PASSED, AND ADOPTED by the Board of
County Commissioners of the County of Lewis and Clark, Montana,
in regular session met and held on the 21st day of
December, 1993, and spread at large upon its Minutes this
_____ day of _____, 1993.

Carol Still-Anderson
Chairwoman

ATTEST:

Paulette DeHart
Clerk and Recorder

GLD/vjs



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PAULETTE DEHART
TREAS/CLK
LEWIS & CLARK CO., MONT.

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215-0882
Shirley McSteele

JOINT RESOLUTION NO. 10806
County Resolution No. 1994-157

BE IT JOINTLY RESOLVED BY THE COMMISSION OF THE CITY OF HELENA AND THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, MONTANA as follows:

This Resolution amends, in part, Joint Resolution No. 10677, County Resolution No. 1993-166 (December, 1993) with regard to the creation of the Helena Regional Airport Authority pursuant to Section 67-11-101, et. seq., MCA.

Section 8 of the prior Resolution is hereby amended to state in its entirety as follows:

Section 8. Duration

8.01 At the expiration of ten (10) years from the date of adoption of this resolution, the City and County shall determine whether to extend the term of this resolution, amend or modify the resolution, or terminate the airport authority. If the authority is not extended, or if it becomes insolvent or incapable of fulfilling its obligations, the airport shall revert to the status of the joint city/county airport as established in Joint Resolution No. 7910.

FIRST PASSED by the Commission of the City of Helena, Montana this 12th day of September, 1994.

Attest:

Barbara Skarman - Deputy
Clerk of the Commission

Ray McKenna
Mayor

UNANIMOUSLY APPROVED, PASSED, AND ADOPTED by the Board of County Commissioners of the County of Lewis and Clark, Montana in regular session met and held on the 6th day of September, 1994 and spread at large upon its minutes this 6th day of September, 1994.

Attest:

Paula D. Hart
Clerk and Recorder

Blake J. Wordal
Chair

framend

JOINT RESOLUTION NO. 11640
COUNTY RESOLUTION NO. 2001-62

BE IT JOINTLY RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, AND THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, MONTANA, AS FOLLOWS:

This Resolution amends, in part, Joint Resolution No. 10677, County Resolution No. 1993-166 (December 1993), and amended Joint Resolution No. 10806, County Resolution No. 1994-157 (September 12, 1994) with regard to the creation of the Helena Regional Airport Authority pursuant to Section 67-11-101, et. seq., MCA.

Section 8 of the prior Resolution is hereby amended to state in its entirety as follows:

Section 8. Duration.

8.01. At the expiration of ten (10) years from the date of adoption of this resolution, the City and County shall determine whether to extend the term of this resolution, amend or modify the resolution, or terminate the airport authority. If the authority is not extended, or if it becomes insolvent or incapable of fulfilling its obligations, the airport shall revert to the status of the joint city-county airport as established in Joint Resolution No. 7910.

This amendment extends the expiration of the original Helena Airport Authority resolution to the year 2011.

DATED this 4th day of June, 2001.



ATTEST:

[Signature]
Clerk of the Board

CITY OF HELENA

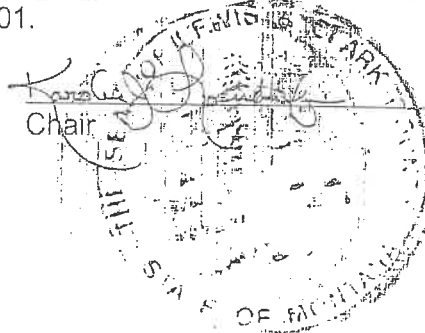
By

[Signature]
Mayor

UNANIMOUSLY APPROVED, PASSED, AND ADOPTED by the Board of County Commissioners of the County of Lewis and Clark, Helena, Montana, in regular session met and held on the 14th day of June, 2001, and spread at large upon its Minutes this 14 day of June, 2001.

ATTEST:

[Signature]
Paulette DeHart, Clerk of the Board



[Signature]
Chair

CITY RESOLUTION NO. 19806

COUNTY RESOLUTION NO. 2011-10

**RESOLUTION EXTENDING
THE HELENA REGIONAL AIRPORT AUTHORITY**

WHEREAS, on December 13, 1993 the Helena City Commission and the Lewis & Clark County Board of Commissioners, approved Joint Resolution No. 10677 and County Resolution No. 1993-166 ("Enabling Resolution"), which created the Helena Regional Airport Authority ("Helena Airport Authority") and provided that it would expire ten (10) years from the date of adoption unless otherwise jointly extended by the respective commissions; and

WHEREAS, on September 12, 1994, the Helena City Commission and the Lewis & Clark County Board of Commissioners, approved Joint Resolution No. 10806 and County Resolution No. 1994-157, which amended Section 8.01 of Enabling Resolution by adding as a condition that if the Helena Airport Authority became insolvent or incapable of fulfilling its obligations the airport control reverted to the status of a joint city/county airport as originally established in Joint Resolution No. 7910; and

WHEREAS, on June 4, 2001, the Helena City Commission and the Lewis & Clark County Board of Commissioners, approved Joint Resolution No. 11640 and County Resolution No. 2001-62, which amended Section 8 of Enabling Resolution by extending the expiration of the Enabling Resolution to the year 2011; and

WHEREAS, the Helena City Commission and the Lewis & Clark County Board of Commissioners jointly desire to extend the Enabling Resolution up to and including June 30, 2021.

NOW, THEREFORE, BE IT JOINTLY RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, AND THE BOARD OF COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY, MONTANA, AS FOLLOWS:

This Resolution amends, in part, the Enabling Resolution as subsequently amended.

Section 8 of the Enabling Resolution, as amended, is hereby amended to state in its entirety as follows:

Section 8. Duration.

8.01. Upon reaching the date of June 30, 2021, the City and County shall determine whether to extend the term of this resolution, amend or modify the resolution, or terminate the Helena Airport Authority. If the Helena Airport Authority is not extended, or if it becomes insolvent or incapable of fulfilling its obligations, the airport shall revert to the status of the joint city-county airport as established in Joint Resolution No. 7910, which will be fully reinstated.



Lewis & Clark County

COUNTY

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF
HELENA, MONTANA, THIS 10th DAY OF JANUARY, 2011.




James E. Smith, Mayor


Debbie Havens, Clerk of the Commission

UNANIMOUSLY APPROVED, PASSED, AND ADOPTED by the Board of County Commissioners of the County of Lewis and Clark, Helena, Montana, in regular session met and held on the 11th day of January 2011, and spread at large upon its Minutes this 11th day of January, 2011.

By 
Derek Brown, Chair

ATTEST:




Paul J. Hart, Clerk of the Board



Lewis & Clark County

COUNTY

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