

## **CITY RESOLUTION NO. 19820**

## **COUNTY RESOLUTION NO. 2011-67**

### **A RESOLUTION DEFINING APPOINTMENT OF THE AIRPORT BOARD OF ADJUSTMENT**

**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

**WHEREAS**, the Enabling Resolution provides in part in Section 7.01 that “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 Code, and Title 11, Chapter 36 with regard to the airport noise influence district;” and

**WHEREAS**, §11-35-10(B), Helena City Code, provides in part that “No member of the airport board of adjustment shall be a member of the joint city-county airport board;” and

**WHEREAS**, in order to resolve the conflict between the Enabling Resolution and §11-35-10, Helena City Code, in regard to who may serve on the airport board of adjustment, the Helena City Commission and the Lewis & Clark County Board of Commissioners believe that it is in the best interest of the Helena Airport Authority that members of the Board of Commissioners for the Authority not be allowed to serve on the Airport Board of Adjustment, as prohibited by §11-35-10, Helena City Code.

**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:**

1. This Resolution amends, in part, the Enabling Resolution as subsequently amended.
2. Section 7.01 of the Enabling Resolution, as amended, is hereby deleted in its entirety and the following placed in lieu thereof:

“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 Airport Board of Adjustment consists of five (5) members, three (3) members appointed by the Lewis and Clark County Commission, and two (2) members appointed by the Mayor of Helena with the consent of the Helena City Commission. Each member serves for a term of three (3) years and until a successor is duly appointed and qualified by the appropriate appointing authority. Members may only be removed by the appointing authority for cause upon written charges after

a public hearing. The Authority's Board of Commissioners, individually or collectively, may not serve on the Airport Board of Adjustments."

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF  
HELENA, MONTANA, THIS 11<sup>th</sup> DAY OF APRIL, 2011.**

**/S/ James E. Smith  
James E. Smith, Mayor**

**ATTEST:**

**/S/ Debbie Havens  
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 31<sup>st</sup> day of March, 2011, and spread at large upon its Minutes this 31<sup>st</sup> day of March, 2011.

**By /S/ Derek Brown  
Derek Brown, Chair**

**ATTEST:**

**/S/ Paulette DeHart  
Paulette DeHart, Clerk of the Board**