

JOINT RESOLUTION

A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, MONTANA, AND THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, PERTAINING TO JOINT AIRPORTS AND LANDING FIELDS, CONTINUING A JOINT BOARD OR BODY FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, ENLARGEMENT, IMPROVEMENT, MAINTENANCE, EQUIPMENT, OPERATION, REGULATION, PROTECTION AND POLICING OF SUCH JOINT AIRPORTS OR LANDING FIELDS AND DEFINING THE POWERS AND DUTIES OF SAID JOINT BOARD.

BE IT RESOLVED by the Board of County Commissioners of Park County, Montana, and the City Commission of the City of Livingston, Montana, acting jointly, as follows:

1. That the planning acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection, and policing of the Airports and Landing Fields of Park County, excluding private airports and landing strips, be and the same are hereby declared to be a joint venture between the County of Park, State of Montana, and the City of Livingston.

2. There is hereby continued in existence that certain board heretofore created known as "City/County Joint Airport Board," to continue to have, and which shall have jurisdiction over the planning, acquiring, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of joint airports or landing fields or other air navigation facilities established, owned or controlled, or to be established, owned or controlled by the County and City, and which shall have, as well, jurisdiction over airport hazards as authorized by Title 67, Chapter 10, MCA.

3. Said Joint Airport Board shall consist of Five (5) members, residents of said Park County, Montana, Two (2) members thereof to be appointed by the Board of County Commissioners of Park

County, and Two (2) members thereof to be appointed by the City Commission of the City of Livingston, Montana, and the Fifth (5th) member to be selected by a majority of the other Four (4) members, whose appointment shall be made by the joint action of the Board of County Commissioners of Park County, Montana and the City Commission of the City of Livingston, Montana. Each member of said Joint Airport Board shall be appointed for a term of Four (4) years from the expiration of the term of the member whom such appointee is to succeed. Each member of said Joint Airport Board shall hold office until his successor is appointed and qualified.

Expense claims of board members shall be itemized showing in detail how, and for what the claim accrued, and shall be subscribed and sworn to by the claimant, as are other claims against the County and City. Such claims must be approved in writing by a majority of the Joint Airport Board, filed with the secretary of the Joint Airport Board, entered in the minutes, and paid as are other claims against the Joint Airport Fund, hereinafter created.

At the next regularly scheduled board meeting after notice of their appointment, the members of said Joint Airport Board shall meet and organize by the election of a chairman and a vice-chairman. Thereafter, said Board shall hold at least ten (10) regular meetings per year including at least two (2) per calendar quarter which shall be on days as designated by the Board. The Board shall elect officers annually. The names of the chairman and vice-chairman shall be certified to the City and County respectively, and shall be placed on file with the County Clerk and Recorder of the County of Park, Montana and with the Recording Secretary of the City of Livingston, Montana, and this shall be done whenever any change takes place in anyone or all of said offices.

Each member shall be entitled to compensation of not to exceed Twenty-five and no/100ths Dollars (\$25.00) per meeting, with the Chairman receiving Thirty-five and no/100ths (\$35.00) per meeting, plus mileage with provisions for annual review, but said compensation shall not be paid

for more than Two (2) meetings per month.

Vacancies in the membership of the board for any reason shall be filled by the authority which appointed the member of the board whose office becomes vacant. Any person appointed to fill a vacancy on the Joint Airport Board shall hold that office for the remainder of the unexpired term and until his successor is appointed and qualified.

A joint fund is hereby created and continued in the office of the County Treasurer of Park County, Montana, and shall be designated as the "Joint Airport Fund." The Joint Airport Fund shall contain all funds received by the said Joint Airport Board arising out of the tax levies and appropriations made for its use by the County of Park, and the City of Livingston, Montana, and in addition shall contain all funds derived from the operation of said airport, and all funds contributed or loaned by the United States or the State of Montana.

The County Treasurer of Park County, Montana, shall be the sole custodian of said Joint Airport Fund and he shall pay monies there from only upon claims approved in writing by a majority of the Joint Airport Board, filed with the secretary of the Joint Airport Board, and entered in the minutes of the Joint Airport Board.

5. Subject to the approval of the Board of County Commissioners of Park County, Montana, and of the City Commission of the City of Livingston, Montana, -- which shall be endorsed thereon over the signature of the chairman of the Board of County Commissioners and the Chairman of the City Commission, -- the Joint Airport Board shall adopt rules and regulations for its own government, including the time and place of its meetings, both regular and special and the manner of calling special meetings; provided that the regular meetings of the board shall not be more than once every month; prescribing the duties of its officers, the number of board members which shall constitute a quorum, and for the conduct of its business and proceedings generally. A copy of such

rules and regulations so adopted and approved shall be filed with the County Clerk and Recorder of Park County, Montana, and with the Recording Secretary of the City of Livingston, Montana. The Joint Airport Board shall keep a record of its proceedings, which shall at all times during regular office hours be open to the inspection of the Board of County Commissioners of the County of Park, Montana, and the City Commission of the City of Livingston, or of any town or City or County official designated by any of said bodies, the state examiner, or any of his deputies, and the public generally.

6. The Joint Airport Board continued and established hereby shall have the following powers and duties;

(a) To provide for the planning, acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of Joint Airports or Landing Fields and other air navigation facilities established or to be established, and all airport hazards, but the said Joint Airport Board shall make no contract nor incur any obligation for such purposes, nor for anyone of them, which singly or in the aggregate shall involve an expenditure of any more money than is available under the Joint Airport Board Budget for such purposes.

(b) To fix fees and rentals for the use of said Joint Airports or Landing Fields.

(c) No contract or agreement for any expenditure of any sum in excess of Ten Thousand and no/100ths Dollars (\$10,000.00) shall be made or entered into unless bids for the work or equipment have been called for and notice stating the time and place when such bids will be opened and considered, and all such contracts shall be let to the lowest responsible bidder who, in the sole discretion of the Board can best complete the work, and bond required for the faithful performances of the contract, provided that members of the Joint Airport Board, their husbands, wives and

children, and Employees of the Joint Airport Board shall not be interested either directly or indirectly in any contracts entered into by the said Joint Airport Board; provided further, the members of the Joint Airport Board are hereby specifically bound by the provision of Title 2, Chapter 2, MCA, commonly known as the nepotism act, in their appointments, if any, to any position of trust or emolument.

(d) Any agreement or contract, or rule or regulation for the improvement or maintenance, fixing fees and rentals, or for the control and regulation of the use of the Joint Airports or Landing Fields under the preceding clauses of this section shall be subject and subordinate to any and all Agreements or contracts made and entered into by the County of Park, Montana or the City of Livingston, Montana, with the United States Government for the improvement and use, maintenance and equipment of said Joint Airports or Landing Fields.

(e) To prescribe forms of claims against said Joint Airport Fund, which shall be certified by the oath of the claimant, and to prescribe the form of warrant to be drawn against said fund and to be payable by the County Treasurer of Park County, Montana. All such claims shall be audited and approved by the Joint Airport Board before payment, entered upon the minutes of the Board and approval or rejection noted in said minutes and endorsed upon the claimant in such manner as the Joint Airport Board shall prescribe.

(f) To make rules and regulations for its own government and the conduct of its proceedings as set forth in Section 5 of this agreement not inconsistent with this agreement nor in violation of the laws of the State of Montana. Such rules and regulations when adopted, and any amendments to or repeal thereof shall be entered at large upon the minutes of the Board, and at all times open to public inspection.

7. The County of Park, Montana and the City of Livingston, Montana, shall have and be

vested with equal interests in the property, facilities and privileges of the Joint Airports or Landing Fields, or other air navigation facilities established thereon or to be established thereon.

8. The total expenditures to be made by the Joint Airport Board for any purpose in any calendar year shall be determined by a budget approved by the governing bodies of its constituent public agencies. The right to alter, amend and repeal or terminate this agreement and Joint Resolution, and to abolish the Joint Airport Board set up hereby is expressly reserved to the County of Park, Montana, acting by and through its Board of County Commissioners and the City of Livingston, Montana, acting by and through its City Commission, by Joint Resolution made and entered into for that purpose; provided, however, at least six (6) months notice of a desire to amend, alter, repeal, or terminate this agreement must be given to the other governing bodies.

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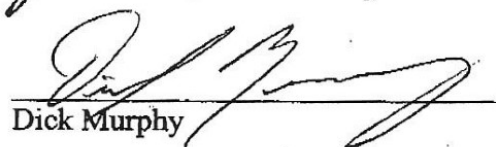
PASSED BY THE PARK COUNTY COMMISSION this 13 day of December, 2005.



Larry A. Lahren, Chairman



James R. Durgan



Dick Murphy

ATTEST:

Denise Nelson
Park County Clerk & Recorder

APPROVED AS TO FORM:

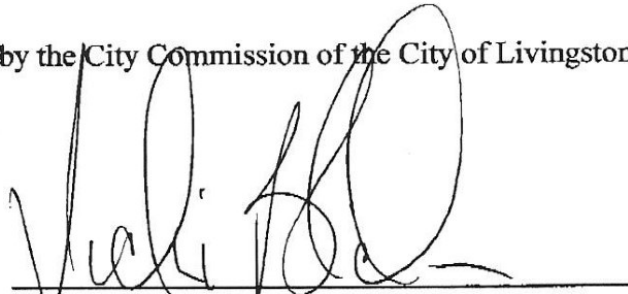


Attorney

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

That the foregoing Joint Resolution with Park County, Montana, for the City/County Joint Airport Board is hereby approved.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana, this 19th day of December, 2005.



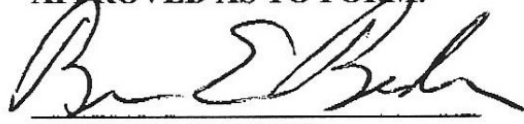
VICKI BLAKEMAN - Chairman

ATTEST:



PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
City Attorney

CITY/COUNTY JOINT AIRPORT BOARD

P.O. Box 435
Livingston, MT 59047

November 22, 2005

Commissioners – City of Livingston
Commissioners – Park County

Attached, please find a copy of the Joint Resolution between the City and County creating the Joint Airport Board.

Referring to Page 2, please notice a change to the number of meetings the Board is required to have each year. This change was approved at the Airport Board meeting held on October 18, 2005. We request this change be adopted by both the Livingston City Commission and the Park County Commissioners.

If you have any questions, please contact Board Secretary, Jerri Miller, at 222-8901 or Board Chair, Kerry LaDuke at 222-4341 or 222-1144.

Sincerely,

CITY/COUNTY JOINT AIRPORT BOARD

A handwritten signature in black ink, appearing to read "Kerry LaDuke", written in a cursive style.

Kerry LaDuke, Chair

Memo

To: Park County Commission

From: City Attorney *JSB*

Re: Joint Resolution for Airport

Please be advised that the Joint Resolution submitted to the City has been modified to correctly reflect Livingston's form of government, to-wit:

Council has been replaced by Commission

Mayor has been replaced with Chairman of the City Commission

Clerk of the City has been replaced with Recording Secretary