

"Civics 101: Livingston, Montana"

Class Outline: January 28, 2010

Legal Structure of Local Government in Montana

- 1). United States Constitution
 - a). Article 1: Section 8, 9, 10
 - b). 10th Amendment
- 2). Montana Constitution
 - a). Article 11, Section 3: "The **Legislature** shall provide methods for governing local government units & procedures...."
 - i. Sec. 4: General Powers (non-charter; Livingston)
 - ii. Sec. 5: Self-Government Charters
 - iii. Sec. 6: Self-Government Powers
 - iv. Sec. 7: Intergovernmental Cooperation (Agreements)
 - v. Sec. 8: Initiative & Referendum
 - vi. Sec. 9: Government Review Commission
- 3). Montana Code Annotated
 - i. Classification/Livingston, 2d – Less than 10,000 More than 5,000 population.
 - ii. Distribution of Powers (7-1-4122)
 - iii. Legislative Powers of Municipality (7-1-4123)
 - iv. General Powers (7-1-4124)
 - v. Public Hearing (7-1-4131)
 - vi. Public Records (7-1-4144)
 - vii. Mayor/Council Form of Government (7-3-201)
- 4). Commission-Manager Form of Government (7-3-301 MCA)
 - a). Role of City Manager ("Administrative Head", 7-3-4362)
 - i. Duties of City Manager (7-3-4363 MCA)
 - b). Role of City Commission (7-3-305; 7-3-4365)
 - i. "Levels & Duties" Chart
 - c). Policy v. Operations
 - i. Policy Development Chart (Livingston)
 - ii. Organizational Chart (Livingston)
 - iii. Commission-Manager Policy
- 5). Relationships to State Government
 - a). Executive Agencies (Regulatory & Assistive)
 - b). Legislative (Policy & Law)
- 6). Setting Local Law
 - a). Ordinances: Local law and prescribed penalties for violation
 - b). Resolutions: Directs an Action (Sign a Contract), Collects Fee/Assessment, Policy Statement.
 - c). Procedure of Adoption of Ordinances/Resolutions (7-3-4324)
 - d). Effective Dates (7-3-4325)

Class Outline; January 28, 2010

Legal Structure of Local Government in Montana – Page 2

REFERENCES

www.livingstonmontana.org

U.S. Constitution ([http://www.constitution.org/constit .htm](http://www.constitution.org/constit.htm))

Montana Constitution (<http://leg.mt.gov/css/default.asp>)

Montana Code Annotated (<http://leg.mt.gov/css/default.asp>)

ICMA Municipal Yearbook, 2008; International City/County Managers Association;
www.icma.org

City of Livingston Municipal Code

Governing Montana at the Grass Roots. Weaver, Ken 2002.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION 9 The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

[No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.]^o

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States; And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the

^oSee Amendment XVI.

Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No state shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II.

(The Executive)

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the Same Term, be elected, as follows.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors; equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]⁷

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

⁷See Amendment XII.

United States Constitution
10th Amendment

“ The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Montana Constitution

ARTICLE XI LOCAL GOVERNMENT

Section

1. Definition.
 2. Counties.
 3. Forms of government.
 4. General powers.
 5. Self-government charters.
 6. Self-government powers.
 7. Intergovernmental cooperation.
 8. Initiative and referendum.
 9. Voter review of local government.
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Section 1. Definition. The term "local government units" includes, but is not limited to, counties and incorporated cities and towns. Other local government units may be established by law.

Section 2. Counties. The counties of the state are those that exist on the date of ratification of this constitution. No county boundary may be changed or county seat transferred until approved by a majority of those voting on the question in each county affected.

Section 3. Forms of government. (1) The legislature shall provide methods for governing local government units and procedures for incorporating, classifying, merging, consolidating, and dissolving such units, and altering their boundaries. The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question.

(2) One optional form of county government includes, but is not limited to, the election of three county commissioners, a clerk and recorder, a clerk of district court, a county attorney, a sheriff, a treasurer, a surveyor, a county superintendent of schools, an assessor, a coroner, and a public administrator. The terms, qualifications, duties, and compensation of those offices shall be provided by law. The Board of county commissioners may consolidate two or more such offices. The Boards of two or more counties may provide for a joint office and for the election of one official to perform the duties of any such office in those counties.

Section 4. General powers. (1) A local government unit without self-government powers has the following *general powers*:

- (a) An incorporated city or town has the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law.
- (b) A county has legislative, administrative, and other powers provided or implied by law.
- (c) Other local government units have powers provided by law.

(2) The powers of incorporated cities and towns and counties shall be liberally construed.

Section 5. Self-government charters. (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

(a) Initiated by petition in the local government unit or combination of units; or
(b) Called by the governing body of the local government unit or combination of units.

(3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

Section 6. Self-government powers. A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

Section 7. Intergovernmental cooperation. (1) Unless prohibited by law or charter, a local government unit may

(a) cooperate in the exercise of any function, power, or responsibility with,
(b) share the services of any officer or facilities with,
(c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state, or the United States.

(2) The qualified electors of a local government unit may, by initiative or referendum, require it to do so.

Section 8. Initiative and referendum. The legislature shall extend the initiative and referendum powers reserved to the people by the constitution to the qualified electors of each local government unit.

Section 9. Voter review of local government. (1) The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.

(2) The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election.

History: Amd. Const. Amend. No. 6, approved Nov. 7, 1978.

**Most Prevalent Form of Local Government in Specific Population Ranges:
Council-Manager (CM) vs. Mayor-Council (MC)**

Between 2,500 and 5,000 (2,031)	CM: 764 (38%) MC: 1,124 (55%)	Between 5,000 and 10,000 (1,895)	CM: 887 (47%) MC: 832 (44%)	Between 10,000 and 25,000 (1,828)	CM: 967 (53%) MC: 689 (38%)	Between 25,000 and 50,000 (783)	CM: 493 (63%) MC: 251 (32%)	Between 50,000 and 100,000 (410)	CM: 265 (65%) MC: 137 (33%)
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Between 100,000 and 250,000 (179)	CM: 117 (65%) MC: 59 (33%)	Between 250,000 and 500,000 (36)	CM: 17 (47%) MC: 18 (50%)	Between 500,000 and 1,000,000 (23)	CM: 7 (30%) MC: 15 (65%)	Over 1,000,000 (9)	CM: 3 (33%) MC: 6 (67%)
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Note: The council-manager form of government is the most prevalent form in five of the nine ranges. Fifty-four percent (54%) of municipalities with a population between 5,000 and 250,000 residents are governed under the council-manager structure (2,729 out of 5,095).

More than 92 million people in the US live in communities that operate under the Commission-
Source: ICMA Municipal Yearbook, 2008. Manager form of government.



Leaders at the Core of Better Communities

EXECUTIVE

-President

- *Executive Orders
- *Legislative Initiatives
- *Supervision of Federal Agencies

-Federal Agencies

- *Regulations & Rulemaking (implements federal law)
- *Industry Oversight (ex, FDA)

LEGISLATIVE

Federal Government (US Constitution)

-Congress

- *Law-making Activity
- *Resolutions (policy stmts)
- *Investigative Activity
- *Appointment Confirmations

JUDICIAL

-Supreme Court

- *Constitutional Interpretation
- *Review of lower court actions
- *Federal Court system

State Government (Montana Constitution)

-Governor

- *Executive Orders
- *Legislative Initiatives
- *Supervision of State Agencies

-State Agencies

- *State Regulations & Rulemaking
(includes implementation of Fed Rules)
- *Industry Oversight (where not done at Federal level – example, Public Service Commission)

-Montana Legislature

- *Law-making Activity
- *Resolutions (policy stmts.)
- *Investigative Activity
- *Appointment Confirmations

-Montana Supreme Court

- *State Constitution Interpretation
- *Review of District Court Actions

City of Livingston (Montana Constitution & Montana Code Annotated)

-City Manager

- * Oversight of all government operations
- * Legislative/Policy Initiatives
- * Chief Policy Adviser to City Commission
- *Relations to other levels of government/etc.

-Livingston City Commission

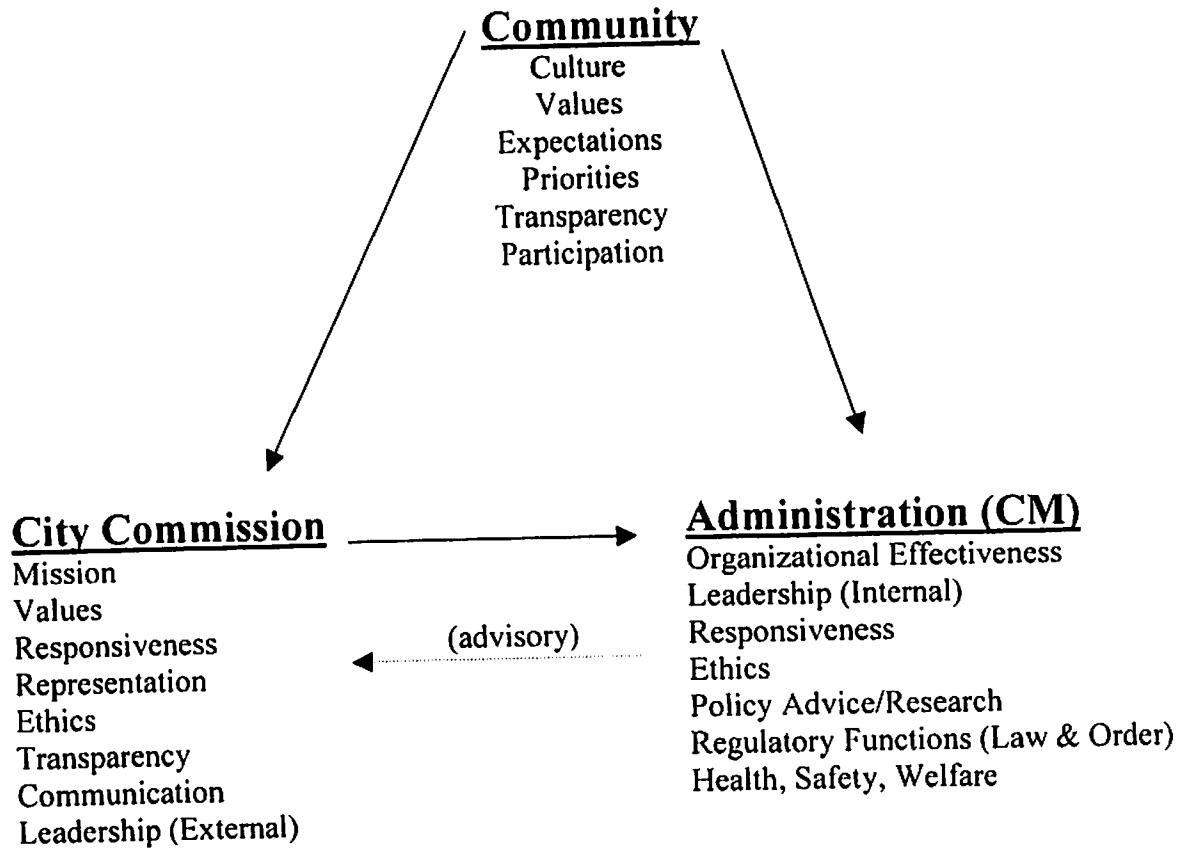
- *Law-making activity (according to
- *Resolutions (policy stmts.)
- *Investigates/Recommends to Administration (City Manager)

-City Judge (JD not required)

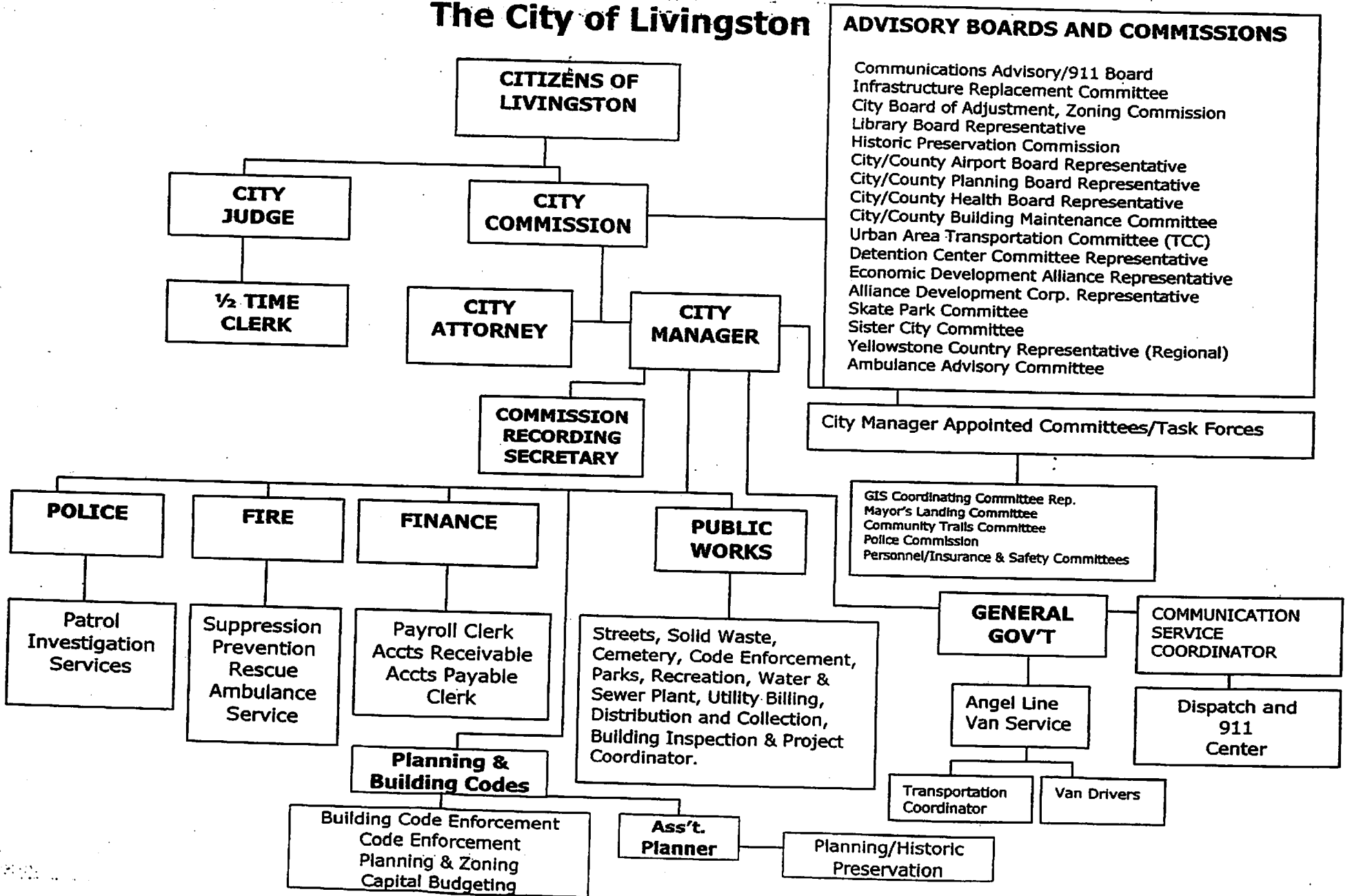
- *Non-Felony violations of St/Loc Law

Other Independent Governmental' Institutions Created By State Government, include School Districts, Water Districts, Fire Districts, and other 'Special District' organizations.

City of Livingston Policy Development Process



The City of Livingston



ORDINANCE NO. 1938

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1928, AS CODIFIED BY SECTION 9-150 OF THE LIVINGSTON MUNICIPAL CODE, BY ESTABLISHING A 15 MILE PER HOUR SCHOOL ZONE ON VIEW VISTA DRIVE FROM THE INTERSECTION OF MAIN AND VIEW VISTA TO THE INTERSECTION OF "H" STREET AND VIEW VISTA DRIVE.

* * * * *

Preamble.

The purpose of this Ordinance is provide for the public health, safety and welfare of children by regulating the speed of traffic in the vicinity of schools.

* * * * *

WHEREAS, the City of Livingston regulates the speed of motor vehicles in school zones as authorized by 61-8-310 Montana Code Annotated (MCA); and

WHEREAS, the City Commission believes that decreasing speed limits around school areas will protect the children of our community on their way to and from school and while attending schools; and

WHEREAS, View Vista Drive from its intersection at Main and View Vista to the intersection of "H" Street and View Vista Drive has recently been annexed by the City of Livingston which street abuts and provides access to Park High School, Sleeping Giant Middle School and St. Mary's School; and

WHEREAS, the Police Department has recommended that a school speed zone be established on View Vista Drive from its intersection at Main Street and View Vista Drive to the intersection of "H" Street and View Vista Drive.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Ordinance No. 1928 as codified in §9-150. Speed Limits of the Livingston Municipal Code be and the same is hereby amended with additions redlined and deletions struck through, as follows:

ORDINANCE NO. 1938

Establishing a new school speed zone for View Vista Drive from Main to H Street Intersections.

Page 1

SECTION 1

Section 9-150. Speed Limits.

A. No vehicle shall be driven upon the streets of the City at a greater rate of speed than twenty-five (25) miles per hour or otherwise in excess of posted speed limits.

B. No vehicle shall be driven upon the streets of the City within any school zone at a greater rate of speed than fifteen (15) miles per hour or in excess of otherwise posted school zone speed limits during school days between the hours of seven-thirty (7:30) o'clock a.m. and five (5:00) o'clock p.m. and at such other times as school sponsored or sanctioned events, activities or programs are taking place or when children are otherwise noticeably present.

(1) School zones defined.

(a) **Winans School:** the southerly portion of the 200 Block of South 10th Street, the 300 Block of South 10th Street, the northerly portion of the 400 Block of South 10th Street; the southerly portion of the 200 Block of South 11th Street, the 300 Block of South 11th Street, the northerly portion of the 400 Block of South 11th Street; West Geyser Street from the alley between 9th and 10th Streets to the alley between 11th and 12th Streets; and West Clark Street from the alley between 9th and 10th Streets to the alley between 11th and 12th Streets.

(b) **Washington School.** The southerly portion of the 400 Block of North 8th Street, the 300 Block of North 8th Street; the 300 Block of north 9th Street; and West Chinook Street from the alley between 7th and 8th Streets to 9th Street.

(c) **Middle School.** the 400 Block of South "E" Street.

(d) **High School.** the southerly portion of the 400 Block of South 2nd Street southward to River Drive; the 300 Block of West Butte Street; River

drive from View Vista Drive to South 2nd Street, the Southerly portion of the 400 Block of South Main Street.

(e) **Head Start.** East Lewis Street from the alley in the 500 Block of East Lewis easterly to “F” Street.

(f) **St Mary’s.** The 400 Block of South “F” Street.

(g) **View Vista Drive.** View Vista Drive from the intersection of View Vista Drive and Main Street to the intersection of View Vista Drive and “H” Street.

C. No vehicle shall be driven upon the public street through the subway between Park Street and Front Street at a great rate of speed than fifteen (15) miles per hour.

D. No vehicle shall be driven upon the alleys, in a City Park, or in any other zone designated by the City Commission at a greater rate of speed than fifteen (15) miles per hour.

E. No vehicle shall be driven upon the public streets of Crawford Avenue, Cambridge Avenue, 13th Street and 14th Street adjoining the Livingston Memorial Hospital at a greater rate of speed than fifteen (15) miler per hour.

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

ORDINANCE NO. 1938

Establishing a new school speed zone for View Vista Drive from Main to H Street Intersections.

Page 3

SECTION 4

Savings Provision:

This ordinance does not affect the rights or duties that matured, penalties and assessments that were incurred or proceedings that begun before the effective dates of this ordinance.

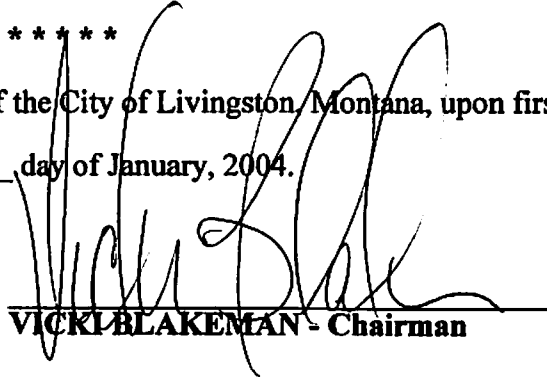
SECTION 5

Effective date:

This ordinance will become effective 30 days after second and final adoption.

* * * * *

PASSED by the City Commission of the City of Livingston, Montana, upon first reading at a regular session thereof held on the 20th day of January, 2004.

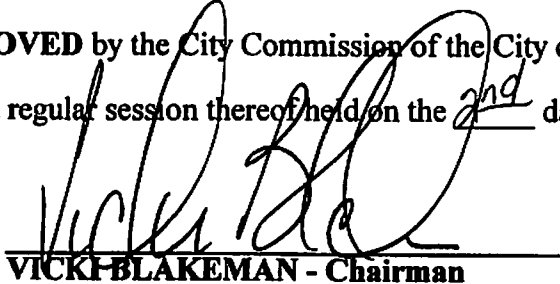

VICKI BLAKEMAN - Chairman

ATTEST:

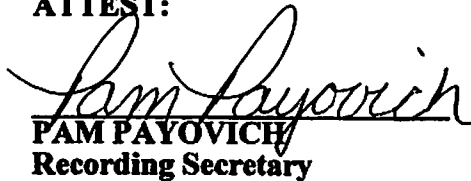

PAM PAYOVICH
Recording Secretary

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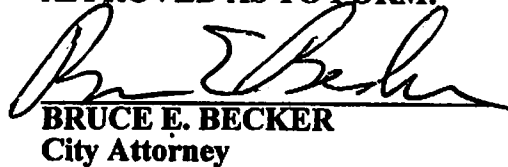
PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the 2nd day of February, 2005.


VICKI BLAKEMAN - Chairman

ATTEST:


PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:


BRUCE E. BECKER
City Attorney

NOTICE

The public is invited to attend and comment at a public hearing to be held at 7:30 p.m. on February 2, 2004, on the second reading of ORDINANCE NO. 1938 entitled:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1928, AS CODIFIED BY SECTION 9-150 OF THE LIVINGSTON MUNICIPAL CODE, BY ESTABLISHING A 15 MILE PER HOUR SCHOOL ZONE ON VIEW VISTA DRIVE FROM THE INTERSECTION OF MAIN AND VIEW VISTA TO THE INTERSECTION OF "H" STREET AND VIEW VISTA DRIVE.

A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call Pam at 823-6001.

(The Notice must be published twice at least 6 days apart 7-1-4127(6)MCA and post the ordinance on the City bulletin board and copies need to be made available to the public 7-5-103 MCA)

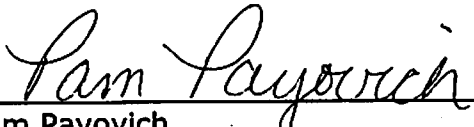
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City of Livingston



Pam Payovich
Recording Secretary

Please Publish January 23, 2004 and January 28, 2004.

Date: January 21, 2004

RESOLUTION NO. 3916

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING CITY PLANNER AS THE ENVIRONMENTAL CERTIFYING OFFICER FOR MONTANA DEPARTMENT OF TRANSPORTATION GRANT FOR THE "SAFE ROUTE TO SCHOOL PROJECT" WITH PARK COUNTY SCHOOL DISTRICT NO. 4

WHEREAS, Park County School District No. 4 has applied to the Montana Department of Transportation for a "Safe Route to Schools Project" grant; and

WHEREAS, the grant is federally funded and requires the certification of an environmental compliance officer; and

WHEREAS, the environmental certifying officer may be designated by a formal resolution; and

WHEREAS, the City Planner has been designated and performed the duties of an environmental certifying officer on other federally funded grants.

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

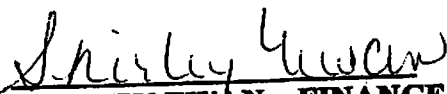
That Building Official/City Planner Jim Woodhull is hereby designated as the Environmental Certifying Officer for the "Safe Route to Schools Project" grant for Park County School District No. 4.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 22nd day of January, 2008.



STEVE CALDWELL - Chairman

ATTEST:



SHIRLEY EWAN - FINANCE OFFICER
Acting as Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
City Attorney