



RESOLUTION NO. 009-24

WHEREAS, the County Water District of Billings Heights (“District”) is a duly formed and operating water district pursuant to Title 7, Chapter 13, Parts 22 and 23 of the Montana Code Annotated; and

WHEREAS, the District, the Board of Commissioners for Yellowstone County, and Pam Ellis have been involved in litigation over the District’s county appointed board position in Yellowstone County District Court Case No. DV-56-2022-000838 since August 15, 2022 (“Ellis Lawsuit”); and

WHEREAS, the 2023 Montana Legislature passed House Bill 35, which, in part, amended the composition of the District’s Board of Directors; and

WHEREAS, the District, in response to House Bill 35 codified at §7-13-2232, MCA, et seq. enacted Resolution No. 15-23, passed on August 16, 2023 to not include a county ex-officio board member and not include a municipal ex-officio board member; and

WHEREAS, the District Court determined that House Bill 35 did not change the existing term of the county appointed board member; and

WHEREAS, the District determined that it is in the best interest of the District, its customers, and its operation, to settle the Ellis Lawsuit and thereby temporarily modify District Resolution 15-23 to recognize and re-seat Pam Ellis to the county appointee board seat with the enactment of this Resolution until December 31, 2024, at which time the county appointee seat shall be eliminated and District Resolution 15-23 shall be declared in full force and effect.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS of the County Water District of Billings Heights, Yellowstone County, Montana as follows:

The County Water District of Billings Heights hereby modifies District Resolution 15-23 from passage of this resolution as set forth below until 5:00 p.m on Tuesday December 31, 2024, recognizing the county appointee board member position and further recognizing that Pam Ellis shall be seated in the county appointee board member seat, subject to the bylaws, rules, regulations, and statutes governing the District.

IT IS FURTHER resolved and ordained by the Board of Directors of the County Water District of Billings Heights, that the District shall pay Holland & Hart, LLP with address of 401 N. 31st St., #1500, Billings MT the sum of \$9,500.00 as payment for Pam Ellis attorney fees in the Ellis Lawsuit; and Ms. Ellis shall be seated as the county appointee board member with monthly payment consistent with all elected Board members upon her seating.

PASSED by the Board of Directors of the County Water District of Billings Heights and **APPROVED** this 17th day of April, 2024.

**COUNTY WATER DISTRICT
OF BILLINGS HEIGHTS**

BY: 

ITS: President, Doug Kary

Attest:


Board Secretary