



NOTICE OF PUBLIC MEETING

The Lewis and Clark County Commissioners Public Meeting will be held on Tuesday, February 23, 2021, at 9:00 AM in Zoom <https://zoom.us/j/5669454978>.

It is the policy of the Board of County Commissioners to render a decision at a later date after they have had ample time to consider all oral and written public testimony. The BoCC may render a final decision on the same date if substantial new information is not received. Public comment must be limited to matters under the jurisdiction of the Commission.

1. **Pledge of Allegiance**
2. **Consent Action Items**
3. **Craig Resort Area Ordinance 2021-1 Providing for the Administration of the Resort Tax in the Craig Resort Area and Amending Craig Resort Area Ordinance No 2010-1. (Misty Edwards)**

The Commissioners will consider the first reading of Craig Resort Area Ordinance No. 2021-1.

4. **Discussion Regarding the Big Sky Passenger Rail Authority. (Roger Baltz)**

The Commissioners will consider holding a public hearing regarding the Big Sky Passenger Rail Authority.

5. **Board Appointments. (Roger Baltz)**

- Lewis and Clark County DUI Task Force
- Lincoln Parks Board
- Weed Board

6. **Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.**

7. **Adjourn**

ADA NOTICE

Lewis and Clark County is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The County will not exclude persons with disabilities from participation at its meetings or otherwise deny them County's services, programs, or activities. Persons with disabilities requiring accommodations to participate in the County's meetings, services, programs, or activities should contact Kari DesRosier, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

- (406)-447-8316
- TTY Relay Service 1-800-253-4091 or 711

- kgrose@lccountymt.gov

- 316 N Park, Room 303



Craig Resort Area Ordinance 2021-1 Providing for the Administration of the Resort Tax in the Craig Resort Area and Amending Craig Resort Area Ordinance No 2010-1. (Misty Edwards)

Presented By:

Summary:

The Commissioners will consider the first reading of Craig Resort Area Ordinance No. 2021-1.

Legal Review Required:

ATTACHMENTS:

Description	Type
☐ Staff Memo	Contract
☐ Craig Resort Ordinance	Contract
☐ Craig Resort Tax Election Results	Contract

Misty Edwards
Finance Coordinator
(406) 447-8313 Office
(406) 447-8370 Fax



City/County Building, Room 343
316 North Park Avenue
Helena, Montana 59623
medwards@lccountymt.gov

Lewis and Clark County

Administrative and Financial Services Department

MEMO

To: Board of County Commissioners
From: Misty Edwards
Date: February 23, 2021
RE: Craig Resort Tax Ordinance

Before you this morning is the first reading of an ordinance amending Craig Resort Area Ordinance No 2010-1. On January 26, 2021 the Craig electorate voted 20-4 to increase the Craig Resort Tax by 1%. The new 1% will pay project costs and debts for the Craig wastewater system as well as upgrades and replacement of that system. Additionally, voters approved 19-5 the question on extending the effective dates of the Craig resort tax. This measure will extend the resort tax to year round. All other areas of the ordinance remain the same including the items subject to the resort tax and the good and services exempt from the tax.

Staff recommends approval of the first reading of the amended Craig Resort Area Ordinance and authorize the chair to sign.

CRAIG RESORT AREA
ORDINANCE NO. 2021-1

AN ORDINANCE PROVIDING FOR THE ADMINISTRATION OF THE RESORT TAX IN THE CRAIG RESORT AREA AND AMENDING CRAIG RESORT AREA ORDINANCE NO. 2010-1.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CRAIG RESORT AREA PURSUANT TO THE AUTHORITY GRANTED UNDER §7-6-1505, MCA, TO ADOPT ORDINANCE NO. 2021-1 AS FOLLOWS:

Section 1. Definitions.

- (1) For purposes of this Ordinance, the following definitions apply, some of which are the same definitions as set forth in §7-6-1501, MCA:
- (a) “Governing body” means the board of county commissioners as described in §7-6-1505(1), MCA.
 - (b) “Luxuries” means any gift item, luxury item or other item normally sold to the public or to transient visitors or tourists. The term does not include food purchased unprepared or unserved; medicine, medical supplies and services; appliances; hardware supplies and tools or any necessities of life as defined by §7-6-1501(1), MCA.
 - (c) “Medical supplies” means items that are sold to be used for curative prosthetic or medical maintenance purposes whether or not prescribed by a physician as defined in §7-6-1501(2), MCA.
 - (d) “Medicine” means substances sold for curative or remedial properties, including both physician prescribed and over-the-counter medications as defined in §7-6-1501(3), MCA.

Section 2. Effective Date and Duration.

- (1) The resort tax shall be effective for twenty (20) years beginning September 15, 2010 through November 15, 2030. The resort tax shall be in effect year-round beginning March 5, 2021 through December 31, 2021, and then from January 1 through December 31 of each subsequent year.
- (2) The 1% resort tax for infrastructure shall be in effect year-round beginning on March 5, 2021 and shall expire once the wastewater treatment system costs and debts are paid.

Section 3. Rate of the Resort Tax. The resort tax shall be at a rate of 4% on the retail value of all goods and services sold by lodging and food service establishments, establishments that sell alcoholic beverages by the drink, destination recreational facilities and on luxuries sold by other establishments as further clarified and specified in this Ordinance.

Section 4. Imposition of Resort Tax. Pursuant to the elections held on August 10, 2010 and January 26, 2021 in Craig, Lewis and Clark County, Montana, the resort tax and the additional 1% for infrastructure were approved by a majority of the qualified electors voting on the question of the imposition of the resort tax.

Section 5. Items Subject to the Resort Tax.

- (1) The following goods and services are subject to the resort tax:
 - (a) Luxuries;
 - (b) All goods and services sold by the following establishments:
 - a. Hotels, motels, and other lodging establishments;
 - b. Restaurants, fast food stores, and other food service establishments;
 - c. Bars, taverns and other public establishments that serve alcoholic beverages by the drink;
 - d. Destination recreational facilities.
 - (c) All other goods and services not exempt in Section 6 of this Ordinance.
- (2) The point of sale for purposes of the imposition of the resort tax in the Resort Area is where the goods and services are purchased, reserved, committed or occurring fully or partially.

Section 6. Goods and Services Exempt from the Resort Tax.

- (1) The following goods and services are exempt from the resort tax:
 - (a) Food purchases unprepared and unserved;
 - (b) Utilities and utility services;
 - (c) Medicine, medical supplies and services;
 - (d) Wholesale merchandise for resale at retail or used in the purchaser's business as supplies;
 - (e) Gasoline and other motor vehicle fuel;
 - (f) Alcoholic beverages sold at agency liquor stores, or by the bottle;
 - (g) Propane and other home fuels;
 - (h) Automobiles and trucks;
 - (i) Labor and parts for automobile and truck repair;
 - (j) All non-luxury labor and services, including but not limited to services prescribed by a physician;
 - (k) All business and labor costs;
 - (l) Lumber, hardware supplies, tools and other construction related supplies;
 - (m) Household appliances, furniture and fixtures;
 - (n) Real estate sales;
 - (o) All rental agreements when contracted for a period longer than thirty (30) consecutive days;
 - (p) Newspapers;
 - (q) Office supplies;
 - (r) Garage sales;
 - (s) Services provided by non-profit religious organizations;
 - (t) Personal hygiene and related products;

- (u) Industrial, commercial and household strength cleaning materials, including soaps, laundry and dishwashing detergents and disinfectants;
- (v) Postal products and services; and
- (w) Other necessities of life.

Section 7. Reimbursement of Administrative Fee to Establishments Collecting the Resort Tax. Pursuant to §7-6-1505, MCA, each establishment collecting the resort tax is entitled to withhold the authorized maximum of five percent (5%) of the resort taxes collected to defray the establishment's costs for the administration of the tax collection. The administrative fee may be withheld by the establishment at the time of remitting the collected resort taxes to the governing body.

Section 8. Appropriation, Expenditure and Purpose of Resort Tax.

- (1) The revenue collected from the 3% resort tax shall be appropriated by the governing body and expended as set forth in the "Petition To County Commissioners of Lewis and Clark County Pertaining to the Imposition of a Resort Tax in the Craig Resort Area" as follows:
 - (a) 85% of the resort tax revenues collected in each fiscal year for twenty (20) years for the construction, maintenance and operation of a wastewater treatment system connecting to and serving the Craig Resort Area. If the debt service for this purpose is retired or satisfied in less than twenty (20) years, the amount necessary to operate and maintain the system shall be appropriated by the governing body in each fiscal year;
 - (b) 10% of the resort tax revenues collected in each fiscal year for twenty (20) years for the maintenance of the Craig Training Center, formerly known as the Craig School; and
 - (c) in amounts as determined by the governing body of the Craig Resort Area for any other services, facilities or projects as authorized by law once the indebtedness incurred in (a) above is retired or satisfied.
- (2) The revenue collected from the 1% resort tax for infrastructure shall be appropriated by the governing body and expended as set forth in Resolution 2020-90 for the repayment of bonds and other project costs related to the construction of the Wastewater Treatment System and any contemplated upgrades thereto. 100% of the resort tax revenues from the 1% resort tax for infrastructure collected each year shall be appropriated for the repayment of bonds and other project costs related to the Wastewater Treatment System and any upgrades to the System. Once the Wastewater Treatment System project costs and debts are paid, the additional 1% expires.

Section 9. Collection and Time of Remittance of Resort Taxes-Delinquency.

- (1) Establishments that sell luxury goods and services within the Craig Resort Area must collect the resort tax and remit the resort taxes collected to the governing body.
- (2) The resort taxes collected must be remitted to the governing body or postmarked on or before the last day of each month for the prior month or, if the last day falls on a Saturday, Sunday, or holiday, then on the next business day, to the following

address: Lewis and Clark County Treasurer, 316 N. Park Avenue, Helena, Montana 59623.

- (3) Remittance of resort taxes made after the last day of a month for the prior month shall be deemed delinquent and subject to the penalties, interest and late and other fees authorized by law and set forth in section 10 below.

Section 10. Enforcement - Remedies Available-Interest — Late Fee:

- (1) The governing body shall enforce the collection and remittance of resort taxes.
- (2) The following remedies as authorized by §7-6-1505, MCA, are available remedies for the failure to collect, report, and remit resort taxes and for violation of this Ordinance:
 - (a) a criminal penalty not to exceed a fine of \$1,000 or six (6) months imprisonment or both;
 - (b) a civil penalty if the resort area prevails in a lawsuit for the collection of resort taxes, not to exceed fifty percent (50%) of the resort taxes found to be due and owing, plus the costs and attorney fees incurred in the enforcement of the reporting, collection and remittance of the resort taxes;
 - (c) a lien against the property of the establishment secured by applicable legal procedure.
- (3) Interest: Delinquent taxes shall bear interest at the rate of one percent (1%) per calendar month, for the delinquent month (12% per annum). The assessed interest of one percent (1%) per month, shall apply after the last day of the month in which the payment is due, and to each subsequent month, regardless of when the payment is made.
- (4) Late Fee: A one time late fee of \$30 shall be assessed for each reporting month that is delinquent.

Section 11. Reporting Coupons for Resort Tax – Confidentiality.

- (1) The governing body shall provide each establishment in the resort area responsible for collecting the resort tax with the proper coupons for reporting and accounting for the resort taxes collected.
- (2) The reporting coupons submitted to the governing body by the establishments shall be confidential and not open to public inspection unless so ordered by the governing body pursuant to Article II, §9 and 10 of the Montana Constitution, a court of competent jurisdiction, or upon the filing of an enforcement action in District Court.

Section 12. Audits. Under the direction of the governing body, audits may be conducted of establishments collecting the resort tax. All establishments must cooperate in the conduct of an audit and failure to cooperate with an audit shall constitute a violation of this Ordinance.

Section 13. Maintenance of Records by Establishments. Each establishment required to collect and remit resort taxes to the governing body shall keep and maintain for a period of not less than five (5) years, all records necessary to determine the verity of the taxes collected and remitted and shall make such records available

for audit and inspection at all reasonable times. Such records, whether maintained and developed in hard copy or on a computer or other electronic device, include but are not limited to: accounting books, ledgers, registers, original records necessary to document gross receipts of establishment, specific documentation of exempt sales, and copies of state and federal income tax returns.

Section 14. Craig Resort Area Advisory Council. The governing body of the Craig Resort Area shall appoint a 5 member “Craig Resort Area Advisory Council” within 60 days of the election if a majority of the qualified electors approve the imposition of the resort tax in Craig. The Council shall make recommendations to the governing body on the appropriation and expenditure of the resort tax.

Section 15. Savings Clause. If any section, subsection, paragraph, or sentence of this Ordinance is for any reason held to be unconstitutional or in violation of any law, such court decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 16. Amendment of Ordinance. Except for §§ 2, 3, 4, 7 & 8 of this Ordinance, this Ordinance may be amended at any time thereafter as may be necessary to effectively administer the resort tax and must include the requirements of §7-6-1505, MCA.

READ AND ADOPTED BY THE COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY ON THE FOLLOWING DATES:

1st Reading and Adoption: _____ Date: _____
Andy Hunthausen, Chair

2nd Reading and Adoption: _____ Date: _____
Andy Hunthausen, Chair

ATTEST:

Amy Reeves, Clerk of the Board

Craig Resort Tax Area Election

Election held on January 26, 2021

Number of Eligible Voters	35
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Total Number Voting	24
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Turnout	68.57%
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QUESTION ON EXTENDING THE EFFECTIVE DATES OF THE CRAIG RESORT AREA'S RESORT TAX

Shall the Lewis and Clark County Commission, in accordance with Montana law, be authorized to extend the effective dates of the Craig Resort Area's resort tax to apply year-round? Craig's current resort tax is effective April 1 through November 15 each year. Approval of this ballot measure authorizes the resort tax to be effective from January 1 through December 31 of each year. If passed, the extension will be effective March 5, 2021.

19 FOR authorizing the resort tax to be effective from January 1 through December 31 of each year.

5 AGAINST authorizing the resort tax to be effective from January 1 through December 31 of each year.

QUESTION ON INCREASING THE CRAIG RESORT AREA'S RESORT TAX

Shall the Lewis and Clark County Commission, in accordance with Section 7-6-1504, Montana Code Annotated, be authorized to increase Craig's 3% resort tax to 4% for infrastructure projects? The new 1% would pay for upgrades and replacements of the wastewater treatment system. The additional 1% would be effective March 5, 2021 and expire once project costs and debts are paid. Approving this ballot measure authorizes the County Commission to increase the 3% Craig resort tax by 1% to fund specified infrastructure projects.

20 FOR increasing the resort tax 1% for the wastewater treatment system beginning March 5, 2021 and ending when project costs and debts are paid.

4 AGAINST increasing the resort tax 1% for the wastewater treatment system beginning March 5, 2021 and ending when project costs and debts are paid.



Discussion Regarding the Big Sky Passenger Rail Authority. (Roger Baltz)

Presented By:

Summary:

The Commissioners will consider holding a public hearing regarding the Big Sky Passenger Rail Authority.

Legal Review Required:

ATTACHMENTS:

Description	Type
❑ Cover Letter Passenger Rail Authority	Attachment
❑ Rail Authority One-pager	Attachment
❑ Passenger Rail Authority FAQ	Attachment
❑ SBPRA Expansion Resolution	Attachment



BOARD OF COUNTY COMMISSIONERS
200 WEST BROADWAY ST.
MISSOULA, MT 59802-4292

PHONE: (406) 258-4877
FAX: (406) 721-4043

BCC 2020-074
June 4, 2020

Dear commissioners,

We hope this message finds you healthy. As most of you probably know, the southern tier of Montana last saw passenger rail service in 1979. Over the past four decades, there have been various attempts to lobby for restored service, but without an organized governance structure or the institutional infrastructure to effectively move such an initiative forward, efforts have not progressed very far. Other states and regions of the nation have created rail authorities as a mechanism to do just that. In Montana, the legislature has granted counties the power under [MCA 7-14-16](#) to establish regional railway authorities, and that is exactly what we're proposing to do by creating the **Big Sky Passenger Rail Authority**.

In the context of COVID-19 economic recovery, we believe that passenger rail presents a significant opportunity to not only provide our constituents with another, much needed mode of transportation, but it also would be a transformative economic undertaking, providing opportunities for business expansion and development across the state. Some have asked us what the likelihood is of getting passenger rail service back to southern Montana. And our answer is, absolutely zero if we don't try anything differently than we have in the past. This is something different, authorized by our legislature, and akin to what other states have undertaken.

The counties we envision participating in this authority would not only be the ones bisected by the route of the old North Coast Hiawatha line, but also those counties through which the prior passenger rail routes from Billings to Denver and from Butte to Salt Lake City traversed.

Attached is a draft resolution for your consideration, along with an FAQ and one-page overview of the authority. Participating counties would need to adopt the joint resolution, which would include the names of all initially participating counties, so please talk amongst yourselves and let us know **by June 26** if this is something you and your counties would like to help create. Once we hear back from interested counties, we'll finalize the resolution. Then each participating county can begin its formal resolution adoption processes. The resolution has been reviewed by our County Attorney's Office and our bond counsel, Dorsey & Whitney.

It's often too easy to merely focus inwardly on our own counties and forget the power we have to work together on broader projects that will benefit us all. If you have any questions, don't hesitate to reach out, as we'd be more than happy to hop on a conference call with any of you. Thanks for all the work you do, and we look forward to hearing back.

Best,

BOARD OF COUNTY COMMISSIONERS

DocuSigned by:



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Josh Slotnick, Chair

DocuSigned by:



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David Strohmaier, Commissioner

DocuSigned by:



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Juanita Vero, Commissioner

BCC/ac

Attachments: Resolution of Intention

Big Sky Passenger Rail Authority FAQ

Big Sky Passenger Rail Authority one-pager

RESTORING PASSENGER RAIL TO SOUTHERN MONTANA



Establishing a regional rail authority in Montana

What:

- Establish a regional passenger rail authority for southern Montana:
Big Sky Passenger Rail Authority

Why:

- Further the health, safety, welfare and economic prosperity of the region previously served by the North Coast Hiawatha by advocating for rail as a 21st century public transportation option
- Create the governance structure to investigate, analyze, seek funding for and develop long-distance, inter-city rail service across southern Montana

How:

- County commissions in Montana are authorized to create regional rail authorities by adoption of a resolution by two or more counties (MCA 7-14-16).

NEXT STEPS

Once the authority is established, next steps include:

- Performing an economic impact study
- Updating previous feasibility studies

Questions? Contact Dave Strohmaier
Missoula County Commissioner
406-258-4877 | dstrohmaier@missoulacounty.us



BIG SKY PASSENGER RAIL AUTHORITY

Frequently Asked Questions

What is the goal of the authority?

To create a transformational project for Montana — establishing safe, reliable and affordable inter-city, long-distance passenger rail service through southern Montana.

Why a passenger rail authority?

It's high time to try a different approach. There is currently no government agency or public institution in Montana that oversees expansion of passenger rail service through the southern tier of the state. A regional passenger rail authority, allowed under Montana state law (MCA 7-14-16), would fill this gap by creating the governance structure to investigate, analyze, seek or accept funding for, and facilitate implementation of, long-distance, inter-city rail service across southern Montana.

Why counties?

While it is certainly within the power of the Montana state Legislature to establish a regional rail authority (as many other states have done), Montana code grants counties the authority to do this. So, in the absence of legislative leadership, counties can create our own destiny and act now.

How much is this going to cost?

This can be interpreted in two ways: (1) How much is it going to cost to restore passenger rail service to southern Montana? or (2) How much will it cost to operate a regional rail authority?

First, the cost of restoring rail service (be it along the old North Coast Hiawatha or some other alignment) is going to be a function of the specific route(s) chosen, frequency of service, how the system will be operated, and the nature of any public-private partnership that might be forged. These are questions that a rail authority is well-poised to investigate.

Second, the cost of operating a rail authority will largely be a function of the rail authority itself, since it will be an independent governing board with members appointed by county commissioners. Once board members are appointed, they will determine its priorities, how often the board meets, and what resources the board needs to function — not unlike a school, fire or sewer district. State law allows counties to provide financial or in-kind support to the authority if they so choose, but they are

under no obligation to do so. It also allows the authority to place before voters in participating counties a mill levy for authority operation.

Does my county have only one chance to join the authority?

No. Adopting the initial joint resolution to create a regional passenger rail authority will immediately give all participating counties a seat at the table. However, once the authority is established, additional counties can petition to join the authority.

Does restoring passenger rail in southern Montana mean the end of the Hi-Line's Empire Builder?

Absolutely not. The bulk of Montana's population resides in the southern part of the state and is not using the Empire Builder, which is a primary driver for expanding service in the state. Adding additional connectivity will strengthen the overall system and provide a much needed transportation option for business travelers, tourists, students, seniors and others. Adding service will complement, not supplant, existing service along the Hi-Line.

Will the train go through Butte?

It depends. To begin with, restored passenger rail service would likely use the line that travels through Helena since the line east of Butte over Homestake Pass has been out of service for decades. With enough money and political will, though, anything is possible. In addition, Butte-Silver Bow County would directly benefit if passenger rail service were ever restored from Salt Lake City north. All options remain on the table.

Are we simply talking about bringing Amtrak back to southern Montana?

Likely, but not necessarily. Even if it is Amtrak, there is room for creativity in terms of public-private partnerships.

Are there other options besides the old North Coast Hiawatha route?

Yes. All options are open for discussion, including investigating the feasibility of re-establishing north-south connections to Denver or Salt Lake City.

What is the likelihood of restoring passenger rail service to southern Montana?

Zero if we do nothing different than we have in the past! Creating a regional rail authority is part of the long game of setting ourselves up for success and thinking creatively about a larger vision and the initial steps along the way to make that happen. As important as advocacy groups are to this effort, they are not enough. We need the governance structure to collaborate across jurisdictions and with the private sector to seek funding to conduct studies and, ultimately, to implement a project.

What are the next steps after counties adopt the joint resolution to establish the regional rail authority?

The joint resolution will create a regional rail authority board of at least five directors, as decided on by the participating counties. The number of directors to be appointed, their term of office and their qualifications will be provided for in the joint resolution. After passage of the resolution by the board of each county, the boards will jointly appoint the initial directors of the regional rail authority. The directors will then have the authority to adopt rules as it considers necessary for its own administration, management and governance.

RESOLUTION No. _____

**RESOLUTION REQUESTING TO JOIN THE BIG SKY PASSENGER
RAIL AUTHORITY, ESTABLISHED FOR THE PURPOSE OF
PROVIDING FOR THE PRESERVATION AND IMPROVEMENT OF
ABANDONED RAIL SERVICE IN SOUTHERN MONTANA**

BE IT RESOLVED by the Board of County Commissioners (the “Board”), as follows:

Section 1. Authorization. Pursuant to Montana Code Annotated, Title 7, Chapter 14, Part 16, as amended (the “Act”), local governments are authorized to create railway authorities. Under the Act, a “railway authority” may be authorized by law as either a county rail authority or by joint resolution by two or more counties the counties may create a regional rail authority. The Act gives a railway authority all the powers set forth in the Act necessary to provide for the preservation and improvement of abandoned rail service, including passenger rail service.

Section 2. Purpose. The purpose of an authority is to provide for the preservation and improvement of abandoned rail service for agriculture, industry, or passenger traffic and to provide for the preservation of abandoned railroad right-of-way for future transportation uses, when determined to be practicable and necessary for the public welfare. The establishment of the Big Sky Passenger Rail Authority provides:

- A means to further the health, safety, welfare, and economic prosperity of the region by advocating for rail as a public transportation option;
- The governance structure to investigate, analyze, seek funding for, and develop long-distance, inter-city rail service across southern Montana; and
- Other undertakings contemplated by the Act.

Section 3. Name of District and Duration. The Regional Rail Authority (Authority), known and designated as the “Big Sky Passenger Regional Rail Authority,” was created by a Joint Resolution Creating A Regional Rail Authority, last adopted on November 18, 2020. The duration of the Authority is perpetual, provided that, if no bonds, or other debt of the Authority, are outstanding and the Authority determines that it is in the best interest of the Counties’ inhabitants or that the purpose of the Authority has been fulfilled, the Authority may dissolve the Authority pursuant to the rules established by the Authority.

Section 4. Governance. The powers of the Authority are vested in a board of directors.

(1) Appointment of Directors. The Boards of County Commissioners in the original participating counties appointed the initial directors of the Authority. The Authority will have the authority to increase the number of directors after the Authority is established and the appointment of the initial directors. If the Authority expands the number of counties, and directors, beyond the initial participating counties, each Board of County Commissioners in the subsequently added counties will make board appointments to the Authority.

(2) Number of Directors. The Authority board will have at least five directors. If five or more counties join the Authority, the board membership will equal the number of counties in the Authority, with one member appointed by each county.

(3) Qualifications of board members. The appointed directors must have an interest in furthering the mission of the Authority and bring varying expertise and knowledge to the Authority.

(4) Length of term. Each director will be appointed for a term of three years.

Section 5. Proposed Boundaries of District. The limits and boundaries of the Authority may be, as set forth below, enlarged to encompass in the aggregate the boundaries as approved by each participating County. The boundary of the area proposed to be included in the Authority for each county shall be the boundary of the county unless designated otherwise.

Section 6. Rule Making Authority to Enlarge District. The Authority has the authority to adopt rules pursuant to MCA § 7-14-1631, including but not limited to procedural rules for the addition of a county not included in the original joint resolution, with the county requesting to join adopting a resolution and submitting such resolution to the Authority. If this request is granted by the Authority, the Board of County Commissioners of the petitioning county will select, pursuant to its own process, its representative to the board of the Authority.

Section 7. General Powers of Authority. The Authority has all the powers necessary to carry out the purposes of the Act, including but not limited to:

- (1) sue and be sued, have a seal, and have perpetual succession;
- (2) execute contracts and other instruments and take other action as may be necessary to carry out the purposes of the Act;
- (3) receive and disburse federal, state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of the Act. Federal money accepted under this subsection must be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this subsection must be accepted and spent by the authority upon terms and conditions prescribed by the state.
- (4) sell, lease, or otherwise dispose of real or personal property acquired pursuant to this part. The disposal must be in accordance with the laws of this state governing the disposition of other public property.
- (5) borrow money and issue bonds pursuant to MCA 7-14-1636; and
- (6) all other powers provided by Montana statutory authority.

Section 8. Public Hearing. Pursuant to MCA 7-14-1621(2), the undersigned County certifies that it held a public hearing and published notice of the hearing pursuant to MCA 7-1-2121, and published a copy of this proposed Resolution as required.

Section 9. Request to Join. _____ County (County) passes this Resolution requesting to join the Big Sky Passenger Rail Authority. The Board of County Commissioners of the County authorizes and directs that the Resolution be presented to the directors of the Authority for consideration by such directors in the manner set forth below. Upon confirmation from the Authority, the Commission will appoint a member to the board.

Section 10. Required Actions by Directors of Authority. The Board of County Commissioners of the County understands and agrees that the addition of the County as a participating county in the Authority requires subsequent action of the directors of the Authority. Upon adoption of this resolution following a public hearing and presentation of this resolution to the directors of the Authority, the directors of the Authority will cause to be scheduled and will conduct a duly noted public hearing at which time the directors of the Authority will hear public comment on whether to add the County as a participating county in the Authority, the boundaries of the authority if it is to be enlarged, and any other matters that may be relevant.

Following the public hearing, which may be continued from time to time, the directors of the Authority, if it is determined to add the County as a participating county in the Authority, shall adopt a resolution adding the County as a participating county in the Authority, specifying the new boundaries of the Authority, as enlarged by the addition of the County, and addressing such other matters as may be relevant.

_____ **BOARD OF COUNTY COMMISSIONERS**

Adopted at Public Hearing on _____, 2021

, Chair

Attest:

County Clerk and Recorder/Treasurer



Board Appointments. (Roger Baltz)

Presented By:

Summary:

- Lewis and Clark County DUI Task Force
- Lincoln Parks Board
- Weed Board

Legal Review Required:

ATTACHMENTS:

Description	Type
Board Appointment Memo	Attachment



TO: BoCC, Roger Baltz
CONTACT: Nadine McCarty
DATE: February 23, 2021
RE: Board Appointments

Lewis and Clark County DUI Task Force

Jay Nelson – Resigned as the Montana Highway Patrol representative. Michael Jensen applied.

Action:

Staff recommends the appointment of Michael Jensen to the Lewis and Clark County DUI Task Force as the Montana Highway Patrol representative to a term that expires December 31, 2023.

Lincoln Parks Board

Jesse Sallin – Termed out. Susan Howsmon applied.

Action:

Staff recommends the appointment of Susan Howsmon to the Lincoln Parks Board to a term that expires June 30, 2024.

Weed Board

West Valley Position – Vacant. David Burch applied.

Action:

Staff recommends the appointment of David Burch to the Weed Board as the West Valley representative to a term that expires December 31, 2023.