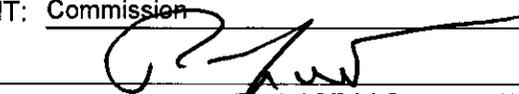


# CONTRACT ROUTING FORM

CONTRACT NO: 2012-190

- If this contract requires a public meeting, the contract with the routing form attached must be given to the Commission Office for placement on the public meeting agenda. The Clerk & Recorder's office will record the contract after the public meeting and send an email to notify the responsible party that the contract has been recorded.
- If the contractor requires an original document, two contracts must be routed.

## 1. Completion by Department

DATE: <u>2 / 3 / 12</u>	FUND# <u>N/A</u>
RESPONSIBLE DEPARTMENT: <u>Commission</u>	
AUTHORIZED SIGNATURE: 	
<small>(Elected Official, Department Head, or Board Chair)</small>	
CONTRACTOR OR VENDOR NAME: <u>Interlocal Agreement with Madison Co. for Special Districts</u>	
TOTAL CONTRACT AMOUNT: \$ <u>N/A</u>	DATE CONTRACTOR SIGNED: <u>1 / 31 / 12</u>
START DATE: <u>2 / 7 / 12</u>	EXPIRATION DATE: <u>2 / 7 / 22</u>
IF THIS IS A MODIFICATION OF AN EXISTING CONTRACT, PLEASE PROVIDE THE ORIGINAL CONTRACT #:	
CERTIFICATE OF INSURANCE RECEIVED? YES <input type="checkbox"/> NO <input type="checkbox"/> <u>NA</u>	
MINIMUM SOLICITATION REQUIREMENTS HAVE BEEN DOCUMENTED? <u>NA</u> YES <input type="checkbox"/> NO <input type="checkbox"/>	
<small>(If NO, then contract must be forwarded to the County Administrator for review.)</small>	
CONTRACT DESCRIPTION (Required for placing on the Commission agenda and searching the database):	
Interlocal Agreement between Madison and Gallatin County for Administration of Special Districts, in particular the Big Sky Mountain Parks, Trails and Recreation Special District Pursuant to MCA 7-11-101 and 7-11-101 (Resolution #2011-061)	
GRANTS: (Fill out this section if your contract is grant related.)	Original Grant Contract # _____
IS IT A FEDERAL CONTRACT? YES <input type="checkbox"/> NO <input type="checkbox"/>	If so provide Grant CFDA# _____
GRANTS ADMINISTRATOR APPROVED _____	DATE: ___/___/___

## 2. Finance Director complete, if amount is \$1,500 or greater.

FINANCE DIRECTOR APPROVED N/A DATE: \_\_\_/\_\_\_/\_\_\_

## 3. County Administrator complete, if necessary.

COUNTY ADMINISTRATOR APPROVED \_\_\_\_\_ DATE: \_\_\_/\_\_\_/\_\_\_

## 4. County Commissioner approval required? Yes No MEETING DATE: 2 / 7 / 2012

## 5. Clerk and Recorder: Date Recorded 2 / 8 / 2012

Responsible originating department must send one approved contract to contractor.

INTERLOCAL AGREEMENT TO ADMINISTER GALLATIN COUNTY AND MADISON  
COUNTY SPECIAL DISTRICTS PURSUANT TO MONTANA CODE ANNOTATED  
SECTIONS 7-11-1001 ET SEQ AND SECTION 7-11-101 ET SEQ.

This Interlocal Agreement (Agreement) is made and entered into on this 7 day of February, 2012, by and between Gallatin County, Montana a general powers political subdivision of the State of Montana, and Madison County, Montana a general powers political subdivision of the State of Montana, jointly referred to as "parties" or "counties" or in the singular "party" or "county" herein.

WHEREAS, on July 26, 2011, by Resolution No. 2011-061 the Board of County Commissioners of Gallatin County created "The Big Sky Meadow Trails, Recreation and Parks Special District" pursuant to Montana Code Annotated Sections 7-1-201 et seq., 7-11-1001 et seq.; and

WHEREAS, on 1/31, 2012, by Resolution No. 3-2012 the Board of County Commissioners of Madison County created "The Big Sky Mountain Parks, Trails and Recreation Special District" pursuant to Montana Code Annotated Sections 7-1-201 et seq., 7-11-1001 et seq.; and

WHEREAS, the Resolutions creating these special districts provided for administration by a joint board to provide the residents and owners across jurisdictional boundaries and lines with improved opportunities to plan, manage, develop, create, maintain, finance and improve trails, recreation and parks in the area which would promote quality of life and be of general benefit to the inhabitants; and

WHEREAS, Montana Code Annotated Sections 7-11-101 et seq. and 7-11-1022 authorize the counties herein to enter into this interlocal agreement for the purpose of a having a joint board administer the special districts; and

**Based on the foregoing, the parties agree as follows:**

1. DURATION. The duration or term of this agreement shall be TEN (10 YEARS) unless sooner terminated by mutual consent of the parties.
2. PRECISE ORGANIZATION, COMPOSITION AND NATURE OF ANY SEPARATE LEGAL ENTITY CREATED BY THE CONTRACT. The parties agree that a separate legal entity is not created and that this agreement does not void or supersede the existing special districts that are to be jointly administered by this agreement.
3. PURPOSE OF INTERLOCAL CONTRACT. The area around Big Sky ski mountain, and the greater Big Sky Resort area is made up of several large entities owning large tracts of land and developments, as well as many individual and smaller tracts belonging to homeowners and businesses. These collective landowners hold property and businesses in either Gallatin or Madison County, or both. It is necessary to allow these various people and entities to work collectively to create a community trails, recreation, and parks special district for the greater enjoyment of the residents of the Big Sky community, and all visitors to the Big Sky area. This agreement establishes a means of jointly administering the special districts that share a common boundary and purpose to collectively be dedicated to the creation and implementation of recreation programs, and for the creation, acquisition, establishment, operation, improvement and maintenance of parks, trails, and recreation in the greater Big Sky area. This

includes but is not limited to parks, playgrounds, athletic facilities, ball fields, trails, rest rooms, picnic shelters, and camp grounds. The intention of this joint effort is to work collaboratively as a self funded district.

4. THE MANNER OF FINANCING THE JOINT OR COOPERATIVE UNDERTAKING AND MAINTAINING A BUDGET.

Estimated costs are not known at this time. The intention is that this joint undertaking be self funded through grants, gifts, donations, or rental or user fees and that any budget shall not exceed funding through grants, gifts, donations, or rental or user fees. Montana Code Annotated provides for potential assessments or fees to cover costs and expenses as provided in § 7-11-1024, MCA; § 7-11-1025, MCA. Any assessments or fees would require additional notice and a resolution for assessment as provided by § 7-11-1024, MCA, § 7-11-1025, MCA.

5. TERMINATION. Whenever in the best interests of their respective special district or the owners of property subject to potential assessments, fees or taxes the parties may on mutual consent terminate this agreement either completely or partially and shall at such time make provisions for the disposition of property, if any, that may have been acquired on such terms and conditions that the parties shall agree in good faith.

6. ADMINISTRATION BY JOINT BOARD POWERS & DUTIES. In accordance with Montana Code Annotated Sections 7-11-1021 and 7-1-201 et seq. and 7-11-105(7) and applicable law:

- (a) The board shall have 5 members with 2 appointed by Gallatin County Commissioners and 2 appointed by Madison County Commissioners and 1 appointed by either the Madison or Gallatin County Commissioners with approval or consent of the other Commissioners. Members must reside in the respective county and either own property or reside within the district boundary from which they are appointed and shall serve at the discretion of the commission that appoints the member.
- (b) Members of the board shall serve 3-year terms.
- (c) Members are not entitled to mileage, expenses, salary, or per diem. .
- (d) The board may exercise all powers that are necessary and proper to the establishment, operation, improvement, maintenance, and administration of the special district.
- (e) The board shall not pledge the credit of Gallatin or Madison County or impose a tax unless specifically authorized by state law.
- (f) The County Commissioners shall maintain a register of appointments, including: the name of the board, district or commission; the date of appointment and confirmation, if any is required; the length of term; the name and term of the presiding officer and other officers of the administrative board or special district; the date, time, and place of regularly scheduled meetings.
- (g) The board shall adopt bylaws consistent with § 7-1-201(11) – (13), MCA and this Resolution, including: a majority of members constitutes a quorum for conducting business, and action may be taken by a majority vote of members present and voting; the board shall provide for keeping of written minutes, including the final vote on all actions and the vote of each member, and all records shall be preserved consistent with

public records law; the board shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the County Commissioners.

- (h) The County Commissioners shall assume the duties of the administrative board, district, or commission if the minimum number of qualified persons is not available, and in such case the County Commissioners shall have all the same powers and duties and act in the same capacity of an administrative board, district, or commission, and shall not receive any additional compensation.
- (i) The Board may exercise only the specific powers and duties granted as follows:
  - (1) implement a program and order improvements for the special district designed to fulfill the purposes of the special district;
  - (2) administer the budget of the special district;
  - (3) employ personnel;
  - (4) purchase, rent, or lease equipment, personal property, and material necessary to develop and implement an effective program;
  - (5) cooperate or contract with any corporation, association, individual, or group of individuals, including any agency of federal, state, or local government, in order to develop and implement an effective program;
  - (6) receive gifts, grants, or donations for the purpose of advancing the program and, by gift, deed, devise, or purchase, acquire land, facilities, buildings, and material necessary to implement the purposes of the special district;
  - (7) construct and maintain facilities and buildings necessary to accomplish the purposes of the special district;
- (j) The entity chosen to administer the special district shall submit annual budget and work plans to the governing body for review and approval.

7. MANNER OF ACQUIRING, HOLDING AND DISPOSING REAL AND PERSONAL PROPERTY USED IN THE JOINT UNDERTAKING. Personal or real property shall be acquired, held and disposed of in accordance with the recommendations of the joint board. All real or personal property that may be acquired or held shall be adequately insured in accordance with accepted standards applicable in the counties. The county where the real property is located shall continue to hold such property upon partial or complete termination, unless the counties agree otherwise.

8. RETIREMENT SYSTEM REPORTING. The members of the joint board shall serve as volunteers without compensation and therefore no retirement reporting shall be required regarding the members. If employees are hired that would be entitled to retirement benefits, then reporting shall be made by the county in accordance with recommendations of the joint board.

9. SHARING PROFESSIONAL EMPLOYMENT. In accordance with Montana Code Annotated Section 7-11-105(9) the parties may share the employment of any professionals in accordance with the recommendations of the joint board.

10. OTHER NECESSARY AND PROPER MATTERS. The parties agree to mutually indemnify, hold harmless and defend the other party and its officers, directors, agents and

employees for liability, damages, losses, or costs, against any suit, cause of action, claim, cost, expense, obligation or liability of any character, including attorney's fees, which is brought or asserted for any bodily injury, death, or physical damage to property received or sustained by any person, persons, property, business or any other entity, arising out of or resulting from, or in connection with the this agreement.

11. FILING OF INTERLOCAL AGREEMENT. Each party shall file this agreement with their respective county clerk and recorder and with the secretary of state.

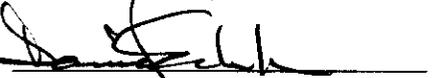
12. AUTHORIZATION TO APPROPRIATE FUNDS. In accordance with Montana Code Annotated Section 7-11-108 each county "may appropriate funds for and may sell, lease, or otherwise give or supply to the administrative board created for the purpose of performance of said contract and may provide such personnel or services therefore as may be within its legal power to furnish."

Dated 2/7, 2012

Dated Oct. 18, 2011

Gallatin County Commissioners

Madison County Commissioners



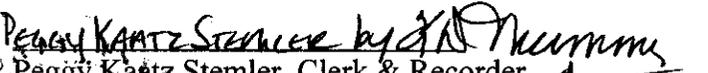
R. Stephen White, Chairman

Dave Schulz, Chairman

ATTEST:

ATTEST:

  
Charlotte Mills, Clerk & Recorder

  
Peggy Kaatz Stemler, Clerk & Recorder *Neumann*



**GALLATIN COUNTY RESOLUTION NO. 2011-061**

**A RESOLUTION CREATING THE BIG SKY MEADOW TRAILS, RECREATION AND PARKS SPECIAL DISTRICT PURSUANT TO MONTANA CODE ANNOTATED SECTION 7-11-1001 ET SEQ. AND ADMINISTERED BY INTERLOCAL AGREEMENT PURSUANT TO MONTANA CODE ANNOTATED SECTION 7-11-101 ET SEQ.**

The resolution was introduced by Katie Morrison, the Executive Director of Big Sky Community Corporation (BSCC); moved by Commissioner SKINNER and seconded by Commissioner MURDOCK. The Resolution was approved by vote of 2 in favor and 0 opposed this July 26, 2011. Commissioner White was excused.

**WHEREAS**, on May 23, 2011, a public meeting, duly noticed in accordance with the law, was held before the County Commissioners, Conference Room 301, 311 W. Main St., Bozeman, MT 59718, whereat the County Commissioners met and discussed with representatives of the Big Sky Community Corporation and Big Sky Town Center the intent of those organizations and community members to form a trails, recreation and parks special district; and

**WHEREAS**, on June 14, 2011, a public hearing, duly noticed in accordance with the law, was held before the County Commissioners, 3<sup>rd</sup> Fl. Public Meeting, 311 W. Main St., Bozeman, MT 59718, where the Resolution of Intent was introduced by Katie Morrison, and then after public comment was received and considered the County Commissioners moved to adopt, discussed and passed Resolution No. 2011-045, a "RESOLUTION OF INTENT TO CREATE THE BIG SKY MEADOW TRAILS, RECREATION AND PARKS SPECIAL DISTRICT PURSUANT TO MONTANA CODE ANNOTATED SECTION 7-11-1001 ET SEQ. AND ADMINISTERED BY INTERLOCAL AGREEMENT PURSUANT TO MONTANA CODE ANNOTATED SECTION 7-11-101 ET SEQ"; and

**WHEREAS**, a "NOTICE OF PASSAGE OF RESOLUTION OF INTENT TO CREATE THE BIG SKY MEADOW TRAILS, RECREATION AND PARKS SPECIAL DISTRICT TO BE ADMINISTERED BY INTERLOCAL AGREEMENT" was published in accordance with Montana Code Annotated Section 7-11-1007 as follows:

- *Bozeman Daily Chronicle* 06/23/2011 and 06/30/2011;
- *Lone Peak Lookout* 06/23/2011;
- *Big Sky Weekly* 07/01/2011; and

**WHEREAS**, the Gallatin County Clerk & Recorder mailed a notice of passage of resolution of intention on June 22, 2011, to the owners of the property included on the list of "those properties subject to potential assessment, fees, or taxation under the creation of the proposed special district" as required by Montana Code Annotated Section 7-11-1007(3); and

**WHEREAS**, the Big Sky Community Corporation held an informational meeting open to the public on July 13, 2011, that was noticed by publication in the Big Sky Weekly on July 1, 2011, and mailed separately information to the persons on the mailing list provided by the Gallatin County Clerk & Recorder; and

**WHEREAS**, a copy of the Resolution of Intent, sample Interlocal Agreement, boundary description, map, protest form and other information was made available on the Gallatin County website: [http://www.gallatin.mt.gov/Public\\_Documents/gallatincomt\\_clerk/bspd/bspdfiles](http://www.gallatin.mt.gov/Public_Documents/gallatincomt_clerk/bspd/bspdfiles), and

**WHEREAS**, Gallatin County maintains copies of the documents in accordance with public records law; and

**WHEREAS**, the County Commissioners find that the notice, mailing and right to protest procedure as required by Montana Code Annotated Section 7-11-1008 was proper; and

**WHEREAS**, the County Commissioners have considered all protests and public

## **GALLATIN COUNTY RESOLUTION NO. 2011-061**

comments and find that at the close of the protest period not sufficient protests were filed; and

WHEREAS, the Gallatin County Big Sky area includes homes, condominiums, businesses, resorts, facilities, infrastructure, and open space and shares a common boundary with the Madison County Big Sky area that includes similar characteristics and three ski mountains; and

WHEREAS, residents and owners desire to plan, create, improve, maintain and develop and trails, recreation and parks with the residents and owners in Madison County but lack means of accomplishing these goals across county jurisdictional lines and boundaries; and

WHEREAS, Gallatin County has the authority to create special districts for the purpose of creating, improving, maintaining, planning, developing and administering trails, recreation and parks pursuant to Montana Code Annotated Sections 7-11-1001 et seq.; and

WHEREAS, the County Commissioners are advised that the Madison County Commissioners are pursuing the formation of a similar special district in Madison County for similar purposes; and

WHEREAS, the County Commissioners find that the creation of this special district and administration by a joint board may provide the residents and owners with improved opportunities to plan, manage, develop, create, maintain, finance and improve trails, recreation and parks in the area which would be of general benefit to the County and its inhabitants; and

WHEREAS, Gallatin County has the authority pursuant to Montana Code Annotated Section 7-11-101 et seq. to enter into an interlocal agreement with Madison County for the purpose of having a joint board administer the special districts; and

WHEREAS, the County Commissioners find that public convenience and necessity require that a special district should be formed to benefit the inhabitants of the Big Sky area and community for all the reasons and findings herein; and

WHEREAS, the County Commissioners have the authority to create this special district pursuant to Montana Code Annotated Section 7-11-1013 within 30-days of the close of the protest period and said 30-days has not expired;

**NOW THEREFORE BE IT RESOLVED**, by the County Commissioners hereby create the Big Sky Meadow Trails, Recreation and Parks Special District as follows:

1. **NAME**. The special district shall be known as "The Big Sky Meadow Trails, Recreation and Parks Special District."

2. **NECESSITY AND PURPOSE**. The area around Big Sky ski mountain, and the greater Big Sky Resort area is made up of several large entities owning large tracts of land and developments, as well as many individual and smaller tracts belonging to homeowners and businesses. These collective landowners hold property and businesses in either Gallatin or Madison County, or both. It is necessary to allow these various people and entities to work collectively to create a community trails, recreation, and parks special district for the greater enjoyment of the residents of the Big Sky community, and all visitors to the Big Sky area. It is the intention of the County that this special district will be created contemporaneously with (or nearly contemporaneously with) a similar district covering the Madison County portion of the Big Sky area, and that the two districts will be managed and governed by an interlocal agreement entered into between the County Commissions of Gallatin and Madison Counties.

3. **GENERAL DESCRIPTION OF THE TERRITORY INCLUDED IN THE BIG SKY MEADOW SPECIAL PARKS DISTRICT**. The boundary of the special district will be as shown on the attached map: Sections 1-4, 9-16, 21-28, and 33-36 in T6S, R3E; Sections 6, 7, 18, 19, 30,

## GALLATIN COUNTY RESOLUTION NO. 2011-061

and 31 in T6S, R4E; Sections 1-4, 9-11, 15-16, 21-22, 27-28, 33-34 in T7S, R3E; and Section 6 in T7S, R4E, excepting therefrom Tracts 18-22 and 27-30 of COS 1754A.

4. **THE GENERAL CHARACTER OF THE BIG SKY MEADOWTRAILS, RECREATION AND PARKS SPECIAL DISTRICT.** The general character of the proposed Big Sky Meadow Trails, Recreation and Parks Special District is that it is the intention that it shall be a self funded district dedicated to the creation and implementation of recreation programs, and for the creation, acquisition, establishment, operation, improvement and maintenance of parks, trails, and recreation in the greater Big Sky area. This includes but is not limited to parks, playgrounds, athletic facilities, ball fields, trails, rest rooms, picnic shelters, and camp grounds. Working in conjunction with the Big Sky Mountain Parks, Trails, and Recreation Special District, the Big Sky Meadow Trails, Recreation, and Parks Special District may raise funds and administer those funds so as to create, maintain, establish and improve a useable, functioning, and vibrant trails, recreation, and parks special district in the Big Sky area.

5. **ESTIMATED COST AND METHOD OF FINANCING.** Estimated costs are not known at this time. The intention is that this district be self funded through grants, gifts, donations, or rental or user fees and that any budget shall not exceed funding through grants, gifts, donations, or rental or user fees. Pursuant to Montana Code Annotated there is the potential for the imposition of assessment or fees to cover costs and expenses as provided in § 7-11-1024, MCA; § 7-11-1025, MCA. Any assessment or fees would require additional notice and a resolution for assessment as provided by § 7-11-1024, MCA, § 7-11-1025, MCA.

6. **ADMINISTRATION BY INTERLOCAL AGREEMENT.** In accordance with Montana Code Annotation Section 7-11-1022 the special district will be administered by an appointed board of representatives of the participating jurisdictions pursuant to an interlocal agreement in form substantially conforming to the attached sample agreement.

7. **BOARD POWERS & DUTIES.** In accordance with Montana Code Annotated Sections 7-11-1021 and 7-1-201 et seq. and 7-11-101 et seq.:

- (a) The board shall have 5 members with 2 appointed by Gallatin County Commissioners and 2 appointed by Madison County Commissioners and 1 appointed by either the Madison or Gallatin County Commissioners with approval or consent of the other Commissioners. Members must reside in the respective county and either own property or reside within the district boundary from which they are appointed and shall serve at the discretion of the commission that appoints the member.
- (b) Members of the board shall serve 3-year terms.
- (c) Members are not entitled to mileage, expenses, salary, or per diem..
- (d) The board may exercise all powers that are necessary and proper to the establishment, operation, improvement, maintenance, and administration of recreation facilities in the special district.
- (e) The board shall not pledge the credit of Gallatin County or impose a tax unless specifically authorized by County Commissioners with jurisdiction over the lands in the district.
- (f) The County Commissioners shall maintain a register of appointments, including: the name of the board, district or commission; the date of appointment and confirmation, if any is required; the length of term; the name and term of the presiding officer and other officers of the administrative board or special district; the date, time, and place of regularly scheduled meetings.
- (g) The board shall adopt bylaws consistent with 7-1-201(11) – (13) and this Resolution, including: a majority of members constitutes a quorum for conducting business, and

**GALLATIN COUNTY RESOLUTION NO. 2011-061**

action may be taken by a majority vote of members present and voting; the board shall provide for keeping of written minutes, including the final vote on all actions and the vote of each member, and all records shall be preserved consistent with public records law; the board shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the County Commissioners.

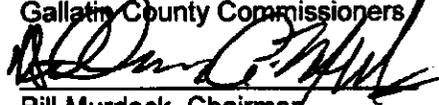
- (h) The County Commissioners shall assume the duties of the administrative board, district, or commission if the minimum number of qualified persons is not available, and in such case the County Commissioners shall have all the same powers and duties and act in the same capacity of an administrative board, district, or commission, and shall not receive any additional compensation.
- (i) The Board may exercise only the specific powers and duties granted as follows:
  - (1) implement a program and order improvements for the special district designed to fulfill the purposes of the special district;
  - (2) administer the budget of the special district subject to the limitations herein;
  - (3) employ personnel;
  - (4) purchase, rent, or lease equipment, personal property, and material necessary to develop and implement an effective program;
  - (5) cooperate or contract with any corporation, association, individual, or group of individuals, including any agency of federal, state, or local government, in order to develop and implement an effective program;
  - (6) receive gifts, grants, or donations for the purpose of advancing the program and, by gift, deed, devise, or purchase, acquire land, facilities, buildings, and material necessary to implement the purposes of the special district;
  - (7) construct and maintain facilities and buildings necessary to accomplish the purposes of the special district;
- (j) The entity chosen to administer the special district shall submit an annual budget and work plans to the governing body for review and approval consistent with the specific powers and duties herein.

8. **AUTHORITY.** The County Commission is authorized to adopt this resolution creating the special district pursuant to Montana Code Annotated Section 7-11-1013 within 30-days of the close of the protest period and has acted accordingly.

9. **REPORTING PROCEDURE.** The County Commission shall within 60-days after the creation of the special district provide the Department of Revenue with the information required pursuant to Montana Code Annotated Section 7-11-1014.

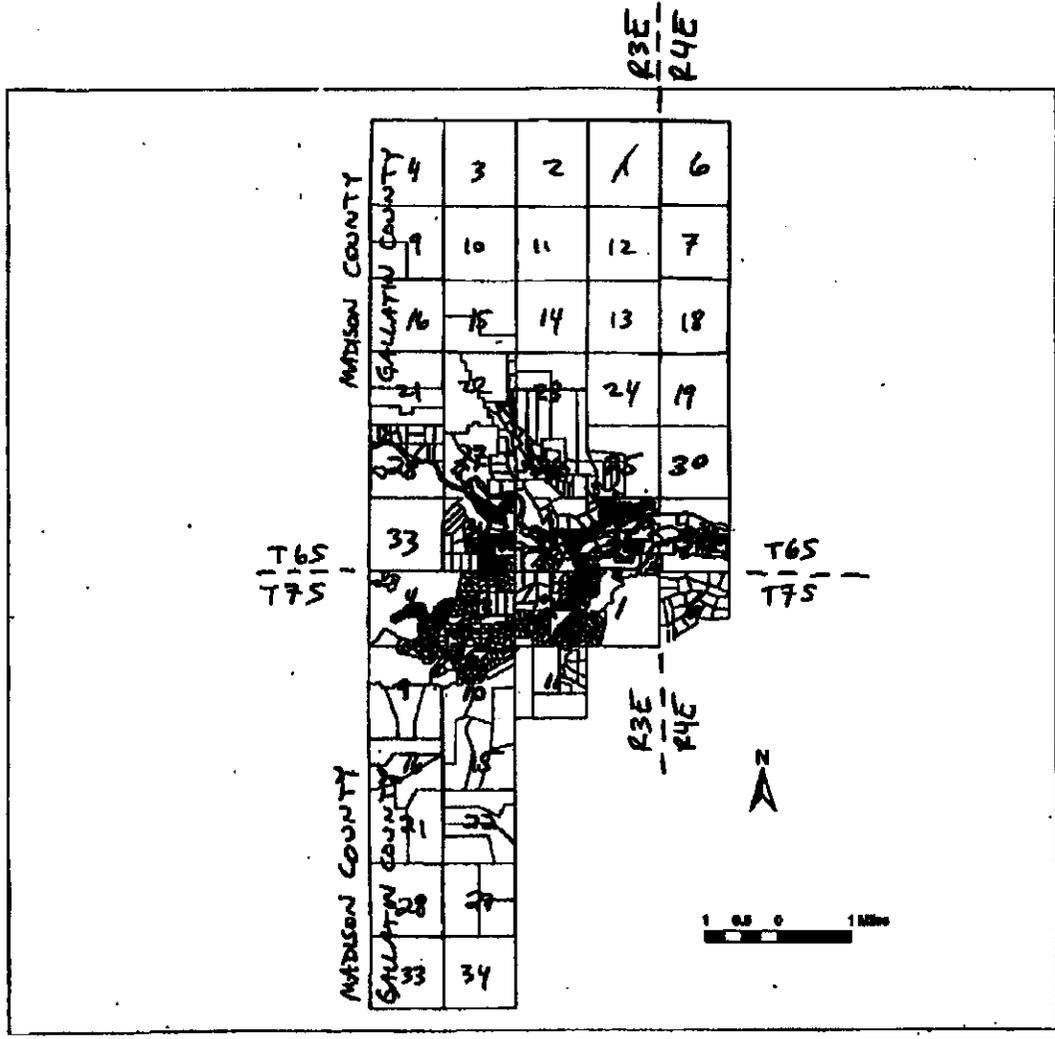
10. **EFFECTIVE DATE.** The effective date for the creation of the special district shall be the date of adoption of this Resolution and passage by the Gallatin County Commissioners.

Dated: July 26, 2011.

Gallatin County Commissioners  
  
Bill Murdock, Chairman

ATTEST:  
  
Charlotte Mills, Clerk & Recorder

**Proposed Big Sky Meadow Trails, Recreation, and Parks Special District**



**Legal Description**

All parcels within the following described area: Sections 1-4, 9-16, 21-28, and 33-36 in T65, R3E; Sections 6, 7, 18, 19, 30, and 31 in T65, R4E; Sections 1-4, 9-11, 15-16, 21-22, 27-28, and 33-34 in T75, R3E; and Section 6 in T75, R4E, excepting therefrom Tracts 18-22 and 27-30 of COS 1754A.

*Hans Streufert*  
 Hans Streufert, PLS  
 MT Reg. No. 16971LS  
 Morrison-Maierle, Inc.



## MADISON COUNTY RESOLUTION 3-2012

A RESOLUTION AFFIRMING RESOLUTION 37-2011 WHICH CREATED THE BIG SKY MOUNTAIN TRAILS, RECREATION AND PARKS SPECIAL DISTRICT PURSUANT TO MONTANA CODE ANNOTATED SECTION 7-11-1001 ET SEQ. AND ADMINISTERED BY INTERLOCAL AGREEMENT PURSUANT TO MONTANA CODE ANNOTATED SECTION 7-11-101 ET SEQ, EXPANDING THE BOUNDARIES OF THE EXISTING PARK DISTRICT CREATED BY RESOLUTION 16-88, STRIPPING THE PARK DISTRICT OF ITS EXISTING TAXING AUTHORITY, AND ENTERING INTO AN INTERLOCAL AGREEMENT WITH GALLATIN COUNTY FOR THE MANAGEMENT OF THIS PARK DISTRICT AND A CONTIGUOUS PARK DISTRICT LOCATED IN GALLATIN COUNTY.

WHEREAS, on September 6, 2011, the County Commissioners passed Resolution 30-2011, a “Resolution Of Intent To Create The Big Sky Mountain Trails, Recreation And Parks Special District Pursuant To Montana Code Annotated Section 7-11-1001 Et Seq. And Administered By Interlocal Agreement Pursuant To Montana Code Annotated Section 7-11-101 Et Seq”; and

WHEREAS, a “Notice Of Passage Of Resolution Of Intent To Create The Big Sky Mountain Trails, Recreation And Parks Special District To Be Administered By Interlocal Agreement” was published in accordance with Montana Code Annotated Section 7-11-1007 as follows:

- *The Madisonian* 9/15/2011 and 9/22/2011;
- *Lone Peak Lookout* 9/15/2011 and 9/22/2011;
- *Big Sky Weekly* 9/23/2011

WHEREAS, the County Commissioners considered all protests and public comments and found that at the close of the protest period insufficient protests were filed; and

WHEREAS, on October 18, 2011, the County Commissioners passed Resolution 37-2011, a Resolution Creating the Big Sky Mountain Trails, Recreation and Parks Special District Pursuant To Montana Code Annotated Section 7-11-1001 Et Seq. And Administered By Interlocal Agreement Pursuant To Montana Code Annotated Section 7-11-101 Et Seq”; and

WHEREAS, it was determined by the County Attorneys of Madison and Gallatin Counties that a Notice of Passage of Resolution of Intention must be sent to each affected parcel owner within the proposed district, and

WHEREAS, an additional “Notice Of Passage Of Resolution Of Intent To Create The Big Sky Mountain Trails, Recreation and Parks Special District To Be Administered By Interlocal Agreement” was published in accordance with Montana Code Annotated Section 7-11-1007 as follows:

- *The Madisonian* 1/5/2012 and 1/12/2012;
- *Lone Peak Lookout* 1/5/2012 and 1/12/2012;
- *Big Sky Weekly* 1/13/2012

WHEREAS, on January 5, 2012, a "Notice Of Passage Of Resolution Of Intent To Create The Big Sky Mountain Trails, Recreation And Parks Special District To Be Administered By Interlocal Agreement" was sent to each affected parcel owner in the proposed district, and

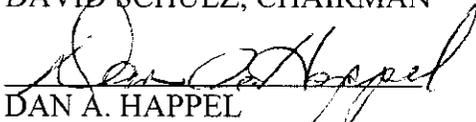
WHEREAS, on January 31, 2012, an additional public hearing was conducted at the Madison County Broadway Annex in Virginia City to allow the public an opportunity to voice opinions on the proposed district; and

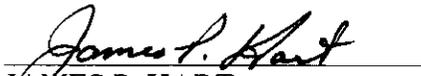
WHEREAS, the County Commissioners again considered all protests and public comments and found that at the close of the protest period insufficient protests were filed; and

**NOW THEREFORE BE IT RESOLVED**, that the Madison County Board of Commissioners hereby affirms Resolution 37-2011 creating the Big Sky Mountain Trails, Recreation and Parks Special District pursuant to Montana Code Annotated, Section 7-11-1001 Et Seq. and administered by Interlocal Agreement pursuant to Montana Code Annotated, Section 7-11-101 Et Seq, expanding the boundaries of the existing park district created by Resolution 16-88, stripping the park district of its existing taxing authority, and entering into an interlocal agreement with Gallatin County for the management of this park district and a contiguous park district located in Gallatin County.

APPROVED BY THE BOARD OF COMMISSIONERS THIS 31st DAY OF JANUARY, 2012.

  
\_\_\_\_\_  
DAVID SCHULZ, CHAIRMAN

  
\_\_\_\_\_  
DAN A. HAPPEL

  
\_\_\_\_\_  
JAMES P. HART

ATTEST:   
Peggy Kaatz Stemler  
Clerk and Recorder

