RESOLUTION NO. 1998- 76

A RESOLUTION OF THE GALLATIN COUNTY COMMISSIONERS ADOPTING THE AUTHORITY PROVIDED FOR UNDER THE "OPEN-SPACE LAND AND VOLUNTARY CONSERVATION EASEMENT ACT"

WHEREAS, the Gallatin County Commissioners created the Gallatin County Open Space Task Force in June of 1997, and charged the Open Space Task Force with making recommendations through the County Planning Board for the preservation of open space in Gallatin County; and

WHEREAS, on September 14, 1998, the Open Space Task Force issued its Report of Recommendations; and

WHEREAS, on September 22, 1998, the County Planning Board accepted the Report of Recommendations from the Gallatin County Open Space Task Force; and

WHEREAS, on September 22, 1998, the County Planning Board moved to forward the Report of Recommendations of the Gallatin County Open Space Task to the Gallatin County Commission; and

WHEREAS, on October 13, 1998, the Gallatin County Commission accepted the Report of Recommendations of the Gallatin County Open Space Task Force; and

WHEREAS, the Report of Recommendations of the Gallatin County Open Space Task Force contains many action items that require expeditious action and a commitment of time to accomplish; and

WHEREAS, on October 13, 1998, the Gallatin County Commission adopted Resolution 1998-71, a Resolution of Intention of the Gallatin County Commission to Consider Adopting the Authority under the Open-Space Land and Voluntary Conservation Easement Act, Section 76-6-101 through 76-6-110, MCA; and

WHEREAS, on October 13, 1998, the Gallatin County Planning Board voted to support the creation of an Open Lands Board under Sections 76-6-103 through 110, MCA; and

WHEREAS, the purposes of the Open-Space Land and Voluntary Easement Act, as set forth in Section 76-6-103, MCA are to:

1. authorize and enable public bodies and certain qualified private organizations voluntarily to provide for the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest;
2. provide for the preservation of other significant open-space land anywhere in the state either in perpetuity or for a term of years; and

3. encourage private participation in such a program by establishing the policy to be utilized in determining the property tax to be levied upon the real property, which is subject to the provisions of [the] chapter.

and;

WHEREAS, it is in the best interest of the citizens of Gallatin County to protect and preserve open space, native plants and animals, within the allowable limits of the law; and

WHEREAS, in order to accomplish the action items defined by the Gallatin County Open Space Task Force in an expedient manner it is necessary to exercise the powers granted in the Open–Space Land and Conservation Easement Act through a board as provided for in Section 76-6-109(2)(d), MCA; and

WHEREAS, it is in the interest of the citizens of Gallatin County to require the elected county commission to be accountable for all actions with monetary ramifications taken under the powers of the Open-Space Land and Voluntary Conservation Easement Act; and

WHEREAS, on October 27, 1998, the Gallatin County Commission conducted a public hearing regarding adopting the authority provided for under the Open-Space Land and Voluntary Conservation Easement Act.

NOW, THEREFORE BE IT RESOLVED:

1. The Gallatin County Commission adopts the authority provided for under the Open-Space Land and Voluntary Conservation Easement Act, Sections 76-6-101 through 76-6-110, Montana Code Annotated.

2. The County Commission hereby creates the Gallatin County Open Lands Board pursuant to its authority Section 76-6-109(2)(d), MCA, (1997).

3. The Open Lands Board shall consist of not more than 15 members to be appointed by and serve at the will of the Gallatin County Commission.

4. The Open Lands Board shall have the authority to act in accordance with the purposes of the Open-Space Land and Voluntary Conservation Easement Act, as set forth in Section 76-6-103, MCA, which is limited to:

1. providing for the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest;

2. providing for the preservation of other significant open-space land anywhere in the state either in perpetuity or for a term of years; and

3. encouraging private participation in such a program by establishing the policy to be utilized in determining the property tax to be levied upon the real property which is subject to the provisions of [the] chapter.

5. The Open Lands Board may act in furtherance of any of the powers of a public body as defined in Section 76-6-109, MCA, which include all the powers necessary or convenient to carry out the purposes and provisions of the Open-Space Land and Voluntary Conservation Easement Act, subject to an approved county budget and all other legal obligations of a public body under the purview of the Gallatin County Commission.

6. The Gallatin County Commission reserves unto itself all powers that directly and indirectly impact public funds not specifically appropriated in an approved budget for the Open Lands Board and those powers specified under Section 76-6-109(2), MCA:

(a) appropriate funds;

(b) levy taxes and assessments according to existing codes and statutes not to exceed 1 mill;

(c) issue and sell its general obligation bonds in the manner and within the limitations prescribed by the applicable laws of the state,

Dated this 27th day of October, 1998.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY

Phil Olson, Chairman

William A. Murdock, Member

(ABSENT)
Jarvis Brown, Member

ATTEST:

Shelley Vance
Clerk and Recorder