

## **RESOLUTION NO. 10192**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, CREATING THE CITY OF GREAT FALLS PARK DISTRICT NUMBER 1 FOR THE PURPOSE OF PROVIDING CERTAIN MAINTENANCE, PURCHASING, AND IMPROVEMENT SERVICES FOR CITY-OWNED FACILITIES, LAND, AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF GREAT FALLS PARKS AND RECREATION DEPARTMENT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

**WHEREAS**, the City of Great Falls, Montana (the “City”) is a municipality duly organized and existing under and by virtue of the constitution and laws of the State of Montana; and

**WHEREAS**, the City Commission (the “Commission”) is authorized by Montana Code Annotated (MCA), Title 7, Chapter 11, Part 10, to create special districts to serve the inhabitants of the special district; and

**WHEREAS**, the City Commission finds that the creation of a special park district is necessary to provide funding for the effective implementation of the Great Falls Park and Recreation Master Plan; and

**WHEREAS**, in accordance with MCA Section 7-11-1007, the City Commission conducted a public hearing on June 6, 2017, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., regarding the intent of the City to create a special district in the form of a City-wide park; and

**WHEREAS**, pursuant to MCA Section 7-11-1007, the City Commission adopted Resolution No. 10191 on June 6, 2017, (the “Resolution of Intention”) declaring its intention to create a special district to be known as the City of Great Falls Park District Number 1 (the “District”) for the purpose of providing services including but not limited to: (1) maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land, and/or (2) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; and/or (3) purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein, and/or (4) any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City of Great Falls Parks and Recreation Department including but not limited to: public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements and other facilities which are located in the city limits and/or are owned by the City (collectively, the “Services and Improvements”); and

**WHEREAS**, pursuant to the Resolution of Intention, the City Commission declared the estimated costs of the Services and Improvements and declared its intention to finance the costs of the Services and Improvements with assessments against each lot or parcel of land within the district, including the improvements on the lot or parcel, for that part of the cost of the District that its taxable valuation bears to the total taxable valuation of the property in the District; and

**WHEREAS**, a copy of the notice of passage of the Resolution of Intention was published in the *Great Falls Tribune*, a newspaper of general circulation in Cascade County, on June 9, 2017, and June 16, 2017, in the form and manner prescribed by MCA Section 7-1-4127; and

**WHEREAS**, a copy of the notice of passage of the Resolution of Intention was mailed to every person, firm, corporation or the agent of such person, firm or corporation having real property within the District listed in his or her name as shown in the tax rolls of the Montana Department of Revenue, at his or her last-known address, on or before the same day such notice was first published. A copy of the notice of passage of the Resolution of Intention was also mailed to those owners of property where the Montana Department of Revenue has not assigned a taxable value. Such notice conformed to the requirements of MCA Section 7-11-1007(3)(c); and

**WHEREAS**, pursuant to MCA Section 7-11-1008, the City must provide to an owner of property that is liable to be assessed for the improvements in the District within a 60-day period from the date of the first publication of the notice of passage of the Resolution of Intention to make a written protest against the proposed improvements; and

**WHEREAS**, the protests must be in writing, identify the property in the District owned by the protestor, and be delivered to the City Clerk, who endorsed the date of receipt; and

**WHEREAS**, \_\_\_\_\_ protests were filed within the protest period as determined pursuant to MCA Section 7-11-1008. The protests filed represented \_\_\_\_\_ percent of the total estimated costs of the District and the Services and Improvements to be financed, in accordance with the methods of assessment in the Resolution of Intention; and

**WHEREAS**, a public hearing was held on August 15, 2017, during a regular meeting of the City Commission; and

**WHEREAS**, at such hearing the City Commission considered all such written protests regarding the creation of the District;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA**, that:

**Section 1. Insufficiency of Protests.** The City Commission hereby finds that protests against the creation of the District filed during the protest period are insufficient to prevent the creation of the District.

**Section 2. Creation of the District.** The District is hereby established and created within the City in accordance with the terms of the Resolution of Intention. The findings and determinations made in the Resolution of Intention are hereby ratified and confirmed. A map and description of the boundaries of the District are attached hereto as Exhibits "A" and "B."

**Section 3. Certificate of Establishment.** Pursuant to MCA Section 7-11-1013, the City Clerk, or her designee, is hereby authorized to prepare and deliver certified copies of this Resolution to both the Secretary of State and the State of Montana and the Clerk and Recorder of Cascade County and to take any and all other actions necessary in order to receive a Certificate of Establishment for the District.

**Section 4. Ratifier.** All actions not inconsistent with the provisions of this Resolution heretofore taken by the City and its employees with respect to the creation of the District are hereby in all respects ratified, approved, and confirmed.

**Section 5. Repealer.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and shall have no further force or effect.

**Section 6. No Personal Recourse.** No recourse shall be had for any claim based on this Resolution against any City Commission member or the City, nor any officer or employee, past, present or future, of the City or of any successor body as such, either directly or through the City or any such successor body, under any constitutional provision, statute or rule of law or by the enforcement of any assessment or penalty or otherwise.

**Section 7. Effective Date.** This Resolution shall be in full force and effect from and after its date of adoption.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 15<sup>th</sup> day of August, 2017.

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Bob Kelly, Mayor

ATTEST:

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Darcy Dea, Deputy City Clerk

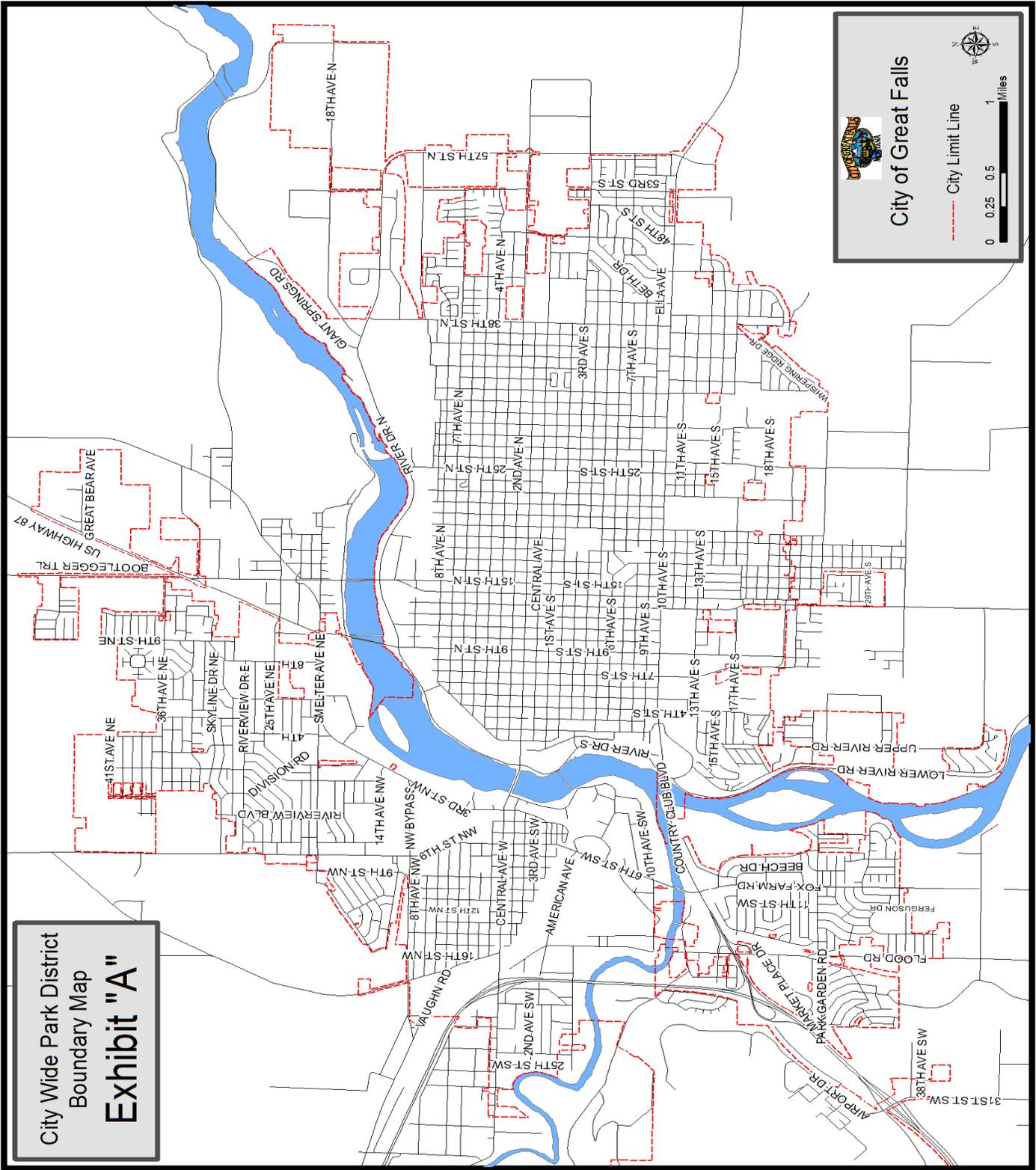
(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara Sexe, City Attorney

# EXHIBIT "A"



## **EXHIBIT “B”**

The District boundary is described as the incorporated boundary of the City of Great Falls in accordance with City Commission municipal annexation resolutions and municipal annexation ordinances filed in the City of Great Falls City Clerk’s public records as well as all properties later annexed thereto. Parcels within the boundary are the current parcels subject to the City of Great Falls property taxes as shown in the tax rolls of the Montana Department of Revenue and inclusive of those parcels that are exempt from property taxes.

# Determination of Tax Revenue and Mill Levy Limitations

Section 15-10-420, MCA  
 AGGREGATE OF ALL FUNDS  
 FYE JUNE 30, 2018

## Resolution 10196, Appendix A. City of Great Falls

	Enter amounts in yellow cells	Auto-Calculation (If completing manually enter amounts as instructed)
Enter Ad valorem tax revenue <b>ACTUALLY assessed in the prior year</b> <b>NEW- PLEASE READ INSTRUCTIONS BEFORE ENTERING.</b>	\$ 15,049,678	\$ 15,049,678
Add: Current year inflation adjustment @ 0.59%		\$ 88,793
Subtract: Ad valorem tax revenue <b>ACTUALLY assessed in the prior year</b> for Class 1 and 2 property, (net and gross proceeds) - <b>(enter as negative)</b> <b>NEW- PLEASE READ INSTRUCTIONS BEFORE ENTERING.</b>		\$ -
<b>Adjusted ad valorem tax revenue</b>		<b>\$ 15,138,471</b>
<b><u>ENTERING TAXABLE VALUES</u></b>		
Enter "Total Taxable Value" - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 2	\$ 95,822,493	\$ 95,822,493
Subtract: "Total Incremental Value" of all tax increment financing districts (TIF Districts) - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 6 <b>(enter as negative)</b>	\$ (1,658,151)	\$ (1,658,151)
<b>Taxable value per mill (after adjustment for removal of TIF per mill incremental district value)</b>		<b>\$ 94,164.342</b>
Subtract: "Total Value of Newly Taxable Property" - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 3 <b>(enter as negative)</b>	\$ (2,643,701)	\$ (2,643,701)
Subtract: "Taxable Value of Net and Gross Proceeds, (Class 1 & 2 properties)" - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 5 <b>(enter as negative)</b>	\$ -	\$ -
<b>Adjusted Taxable value per mill</b>		<b>\$ 91,520.641</b>
<b>CURRENT YEAR calculated mill levy</b>		<b>165.41</b>
<b>CURRENT YEAR calculated ad valorem tax revenue</b>		<b>\$ 15,575,724</b>
<b><u>CURRENT YEAR AUTHORIZED LEVY/ASSESSMENT</u></b>		
Enter total number of carry forward mills from prior year <b>FOR FY18 BUDGETS, PLEASE ENTER ONLY THE # OF MILLS LEFT BEHIND FROM FY17.</b> <b>NEW- PLEASE READ THE INSTRUCTIONS BEFORE ENTERING.</b>		0.00
<b>Total current year authorized mill levy, including Prior Years' carry forward mills</b>		<b>165.41</b>
<b>Total current year authorized ad valorem tax revenue assessment</b>		<b>\$ 15,575,724</b>
<b><u>CURRENT YEAR ACTUALLY LEVIED/ASSESSED</u></b>		
Enter number of mills actually levied in current year (Number should equal total <u>non-voted</u> mills, which includes the number of carry forward mills, actually imposed per the final approved current year budget document. <u>Do Not</u> include voted or permissive mills imposed in the current year.)	165.41	165.41
<b>Total ad valorem tax revenue actually assessed in current year</b>		<b>\$ 15,575,724</b>
<b><u>RECAPITULATION OF ACTUAL:</u></b>		
<b>Ad valorem tax revenue actually assessed</b>		<b>\$ 15,138,429</b>
<b>Ad valorem tax revenue actually assessed for newly taxable property</b>		<b>\$ 437,295</b>
<b>Ad valorem tax revenue actually assessed for Class 1 &amp; 2 properties (net-gross proceeds)</b>		<b>\$ -</b>
<b>Total ad valorem tax revenue actually assessed in current year</b>		<b>\$ 15,575,724</b>
<b>Total carry forward mills that may be levied in a subsequent year</b> (Number should be equal to or greater than zero. A (negative) number indicates an over levy.)		<b>0.00</b>