

**RESOLUTION NO. 10238**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO CREATE A SPECIAL PARK DISTRICT AS AUTHORIZED BY MONT. CODE ANN. TITLE 7, CHAPTER 11, PART 10, MORE SPECIFICALLY A CITY-WIDE PARK DISTRICT ENTITLED “GREAT FALLS PARK DISTRICT NUMBER 1”.**

**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, Part 7, Chapter 11, Part 10, to create special districts to serve the inhabitants of the special district; and

**WHEREAS**, the City Commission adopted Resolution 10191 on June 6, 2017, a Resolution of Intent to Create a special park 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 Mont. Code Ann. § 7-11-1007, the City Commission conducted public hearings on June 6, August 15, 2017, and February 6, 2018, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., prior to the adoption of this Resolution to Create a special district in the form of a City-wide park district; and

**WHEREAS**, in accordance with Mont. Code Ann. § 7-11-1008, a sixty-day protest was conducted, and because the protest of the cost of the assessment from property owners was more than 10% but less than 50%, and the City Commission wished to proceed with the district, the City Commission ordered a referendum by adopting Resolution 10223 on February 6, 2018, pursuant to Mont. Code Ann. § 7-11-1011; and

**WHEREAS**, on May 8, 2018, all qualified Montana electors that were residents of the City of Great Falls or owned property within the City limits had the opportunity to vote on whether the proposition to organize Great Falls Park District Number 1 be adopted; and

**WHEREAS**, on May 15, 2018, the Cascade County Clerk and Recorder certified, pursuant to Mont. Code Ann. § 7-11-1011(6), that the proposition to organize Great Falls Park District Number 1 was adopted by a vote of 8,320 for and 6,776 against; and

**WHEREAS**, on May 29, 2018, the Montana Secretary of State certified, pursuant to Mont. Code Ann. § 7-11-1012, the establishment of Great Falls Park District Number 1.

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

**Section 1. Great Falls Park District Number 1 created.** Pursuant to Mont. Code Ann. § 7-11-1013, the Great Falls City Commission hereby orders Great Falls Park District Number 1 created.

**Section 2. Proposed Services; Intention to Create District.** Great Falls Park District Number 1 is created pursuant to Mont. Code Ann., Title 7, Chapter 11, Part 10. The City establishes the District for the purpose of providing services including but not limited to:

- (A) Maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land;
- (B) Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- (C) Purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein; and/or
- (D) 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 Park and Recreation Department including but not limited to:
  - i. 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.

**Section 3. Name of District.** The District, shall be known and designated as Great Falls Park District Number 1.

**Section 4. Boundaries of District.** It is hereby declared that the boundaries of the District are the current incorporated limits of the City as well as all properties later annexed thereto. In accordance with Mont. Code Ann. § 7-11-1006 (1) and (3), the current boundaries of the City are depicted on a map attached hereto as Exhibit "A" (which is incorporated herein and made a part hereof by reference), which boundaries are designated and confirmed as the boundaries of the District.

**Section 5. Benefited Property.** It is hereby declared to be the judgment of the Commission that the territory included within the boundaries of the District described in Section 4 of this Resolution and as shown on Exhibit "A" is the territory which will be benefited by the maintenance of the existing improvements, and future public area improvements, by the District and will be assessed for a portion of the costs of performing such services as described in Section 2 of this Resolution.

**Section 6. General Character of the Items to be Maintained/Improved.** The general character of the items to be maintained or improved includes but is not limited to:

- (A) Native and turf grasses, trees, shrubs, and other vegetation;
- (B) Lighting, restrooms, irrigation systems, irrigation system water services, drainage ways, groundwater drains, and storm water facilities;

- (C) Weed and pest control, equipment, tools, vehicles, fences, recreation facilities and equipment;
- (D) Parking lots, support facilities, signage, trails, pathways, sidewalks, public amenities, public easements; and/or
- (E) Other public improvements maintained and/or under the responsibility of the City Park and Recreation Department.

**Section 7. Method of Governing the District.** The District shall be governed by the Great Falls City Commission pursuant to the general respective exercise of their duties, responsibilities, and powers as set forth in the City Charter, the Official Code of the City of Great Falls, and Mont. Code Ann. § 7-11-1021.

**Section 8. Assessment Methods; Property to be Assessed.** All eligible properties located in the District are to be assessed for a portion of the cost of services listed in Section 2. In accordance with Mont. Code Ann. § 7-11-1024, the costs to provide services in the District shall be assessed against each lot or parcel of land, 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. Taxable value shall be determined by the Montana Department of Revenue. Such taxable valuation shall be based upon the last-completed assessment roll for state, city, county, and school district taxes.

**Section 9. Estimated Cost of District and Method of Financing.** In fiscal year 2019, the cost of the services to be performed in the District totals \$1,500,000. The annual assessment shall be based on the taxable value of each parcel within the District. This method of assessment shall be made pursuant to Mont. Code Ann. § 7-11-1024(3)(a)(iii) which states:

Each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the special district that its taxable valuation bears to the total taxable valuation of the property of the district.

The estimated annual assessment for a \$100,000 market value property would be \$22.92.

In accordance with Mont. Code Ann. §§ 7-11-1021 and 1025, prior to annually levying assessments necessary to carry out the services to be performed in the District, each year the City Manager shall prepare, or cause to be prepared for Commission approval, a work plan, budget, and estimate of expenses for the services to be performed in the District and the Commission shall specify the method of assessment for the lots and parcels of land located in the District, provide for any methods of financing such services, publish notice and conduct a public hearing on such assessments before finally adopting a resolution levying assessments against the lots and parcels of land in the District. The Commission must annually adopt a resolution establishing the annual assessment for the District.

**Section 10. Payment of Assessments.** The special assessments for the costs of providing services in the District shall be payable as provided in Mont. Code Ann. §§ 7-11-1024 through 7-11-1028.

**Section 11. List of Properties Available.** In accordance with Mont. Code Ann. § 7-11-1007(3)(b), the Commission hereby declares the official list of those properties subject to potential assessment, fees or taxation under the creation of the District is on file and available for public inspection

in the City Clerk's Office, and further that such list is the last completed property tax record maintained by the Department of Revenue for the county, within the boundaries of the District provided in Section 3. The list may not be distributed or sold for use as a mailing list in accordance with Mont. Code Ann. § 2-6-1017.

**Section 12. Duration.** The District shall exist for a period of twenty (20) years beginning on adoption of this Resolution. The District may be dissolved if it is considered to be in the best interest of the City, and approved by the Commission, as prescribed in Mont. Code Ann. § 7-11-1029.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 5<sup>th</sup> day of June, 2018.

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Bob Kelly, Mayor

ATTEST:

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Darcy Dea, Deputy City Clerk


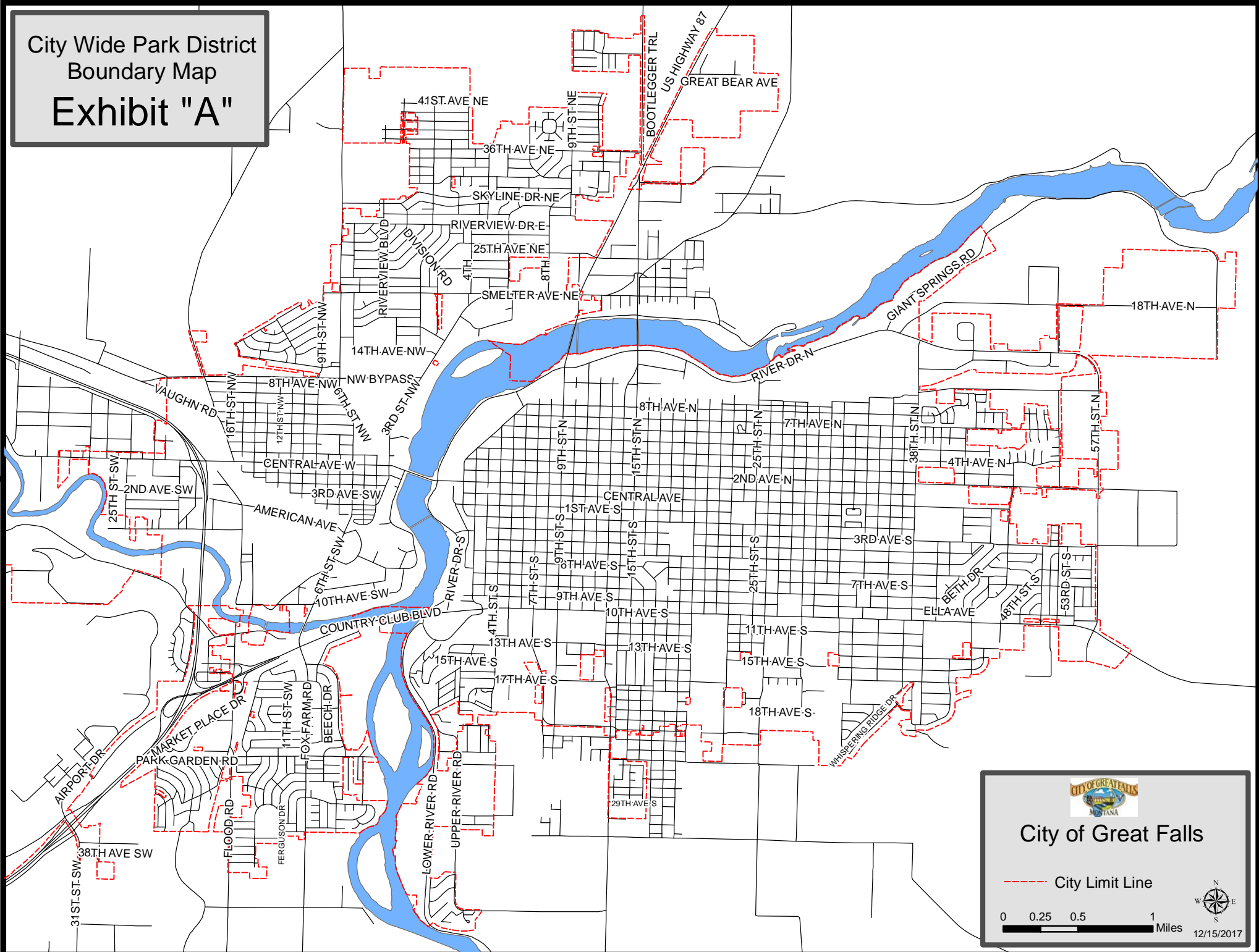
(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney


City Wide Park District  
Boundary Map  
Exhibit "A"



City of Great Falls

--- City Limit Line

0 0.25 0.5 1 Miles



12/15/2017