



RESOLUTION NO. BPC2009-001

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE CASH IN LIEU
PARK FUND FOR THE PURCHASE OF EQUIPMENT**

THIS RESOLUTION was introduced by the Board of Park Commissioners, moved by Commissioner Jack Clarkson, and seconded by Commissioner Deb Kane. This resolution was adopted 4:0.

WHEREAS, MCA § 76-3-621 authorizes and governs the use of cash in lieu funds collected from county subdivisions through the subdivision approval process; and

WHEREAS, MCA § 76-3-621(4) authorizes the County Commission or Park Commission to determine suitable locations for parks and playgrounds; and

WHEREAS, MCA § 76-3-621(5)(a) authorizes the governing body to use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision; and

WHEREAS, MCA § 76-3-621(5)(b)(i) requires the park, recreational area, open space, or conservation easement be within a reasonably close proximity to the proposed subdivision; and

WHEREAS, MCA § 76-3-621(b)(ii) requires the governing body to formally adopt a park plan that establishes the needs and procedures for use of the cash in lieu money; and

WHEREAS, the Gallatin County Commissioners adopted the 1989 Recreation Plan (Park Plan) which contains the policy outlining the expenditure of cash in lieu funds; and

WHEREAS, the Park Plan allows the expenditure of park funds in a manner consistent with the goals and identified needs in the plan; and

WHEREAS, the Park Plan identified a county wide park as a future need and possible use for cash in lieu funds; and

WHEREAS, the Gallatin County Commission created the Gallatin County Board of Park Commission by Resolution No. 2004-130, and empowered the Park Commission to, "...address the current and future needs of parks and recreation in Gallatin County by updating the 1989 Recreation Plan and Gallatin County Trails Plan"; and

WHEREAS, the law governing the collection and expenditure of cash in lieu funds changed in 1995 to require the provisions of MCA § 76-3-621(b)(i); and

WHEREAS, the Park Commission has the authority to expend funds from the county Park Fund in accordance with MCA § 7-16-2321; and

1 WHEREAS, in order to sufficiently create a collection and expenditure nexus to ease compliance with
2 MCA § 76-3-621(b)(i), the Park Plan needs to be amended; and
3

4 WHEREAS, the Park Commission is in the process of updating the 1989 Recreation Plan based on
5 levels of service and specific benefit areas that will dictate a stronger nexus between collection and expenditure.
6

7 **NOW THEREFORE BE IT RESOLVED:** Pursuant to Appendix C of the 1989 Park and Trails Plan
8 the County Board of Park Commissioners hereby authorize the Conservation and Parks Director to expend
9 Cash in Lieu funds not to exceed \$50,000 for the purchase of equipment to be used for the construction and
10 maintenance of park and trail facilities in Gallatin County.
11

12 All expenditures must be approved by the County Administrator through the County Contract
13 Procurement Process. The Park Commission through this resolution hereby authorizes the Director to enter into
14 the contract on the Commission's behalf. This authorization expires at the end of Fiscal Year 2009.
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16 PASSED, ADOPTED, AND APPROVED this 15 day of April, 2009 by the Board of Park
17 Commissioners.
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19 BOARD OF PARK COMMISSIONERS OF
20 GALLATIN COUNTY, MONTANA
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23 _____
24 Carol Collins, Chairperson
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Turner, Crystal

From: Harris, Mike
Sent: Monday, April 13, 2009 11:03 AM
To: Mathers, Earl; Commissioners (Distribution Lists)
Cc: Blossom, Jennifer; Turner, Crystal
Subject: equipment purchase

Just an FYI,

The Park Commission at their April meeting will be having a hearing to approve the purchase of equipment for the construction and maintenance of facilities on county parks.

Primarily the equipment will be used for maintenance at the Regional Park but will also be used when resources are available for the construction of other facilities like trails on all county parks.

We have reached a point with the Regional Park and other locations where maintenance and small construction projects are required. Regardless of if it is me running the equipment or a summer seasonal we still need to have the equipment. In the past attempts to borrow equipment from other departments is problematic due to scheduling conflicts.

The equipment we have selected is a midsize four wheel drive tractor that can utilize a variety of attachments for a skid steer and three point hitch. The bid specifications were sent to five New Holland Dealers in Montana for quotes as per our purchasing policy. The total amount of this purchase will be less than \$50,000 so it does not require a competitive bid.

The reason we specified a New Holland tractor is they are the only company that makes a tractor with a Super Steer system which allows for extremely tight turning radius. This specification we believe to be a benefit for working in tight areas around picnic areas, trees and trails.

We did discuss purchasing a used tractor, however with the government discount we get (up to 25%) a new one with full warranty and no history will be roughly the same as buying one used in good condition.

Our intent as is with all park equipment is to allow our equipment to be utilized by facilities, fairgrounds and other departments as needed.

The funds for the purchase of this equipment will come out of the Cash in Lieu fund, which can be used for construction and maintenance on county parks. In 2007 the Park Commission segregated cash in lieu funds into two separate accounts. Any funds that were received prior to 2007 were designated for use on projects that would potentially serve parks across the county. Any funds derived after 2007 will be used on parks that serve a county wide nexus or can be specifically tied to benefiting the subdivision that the funds were received from.

Thanks,

Mike

Michael Harris

Conservation & Parks Director
Legislative Liaison