



RESOLUTION NO. BPC2007-01

A RESOLUTION AMENDING THE 1989 RECREATION PLAN (PARK PLAN) REGARDING THE EXPENDITURE OF CASH IN LIEU FUNDS

THIS RESOLUTION was introduced by the Board of Park Commissioners, moved by Commissioner Finnegan, and seconded by Commissioner Fink. This resolution was adopted Unanimously.

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 Commissioners 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

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

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

NOW THEREFORE BE IT RESOLVED: The criteria for expenditure of cash in lieu funds in Appendix C of the 1989 Recreation Plan are hereby amended to read:

**APPENDIX C
POLICY FOR DISBURSING PARK FUNDS**

The county park fund has a balance of \$91235.57 as of May 14, 2007. The balance derives from the subdivision cash contributions as required by Montana law and accumulated interest.

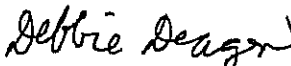
Gallatin County has the authority to expend park funds for the development of parks and recreational facilities in accordance with MCA § 76-3-621 et seq. This authority requires the county to adopt a Park Plan to determine how the funds will be expended and ensure that funds expended serve the subdivision from where they were collected.

Cash in lieu funds received through the end of FY 2007 will be distributed by the Commission based on projects which improve facilities meeting a county-wide or community need to provide a better system of interconnected parks and trails for the benefit of the entire county or the community from which the funds were collected. The Park Commission reserves the right to expend park funds in a manner consistent with the goals and identified need in the Park Plan.

Any new funds derived from cash in lieu after FY 2007 will be deposited in a special revenue account corresponding to the collection and expenditure area as defined in the proposed County Wide Master Plan (Park Plan). The grant opportunities for individual community projects and countywide projects will be identified through a process to be adopted in the new Park Plan.

PASSED, ADOPTED, AND APPROVED this 16th day of May, 2007 by the Board of Park Commissioners.

**BOARD OF PARK COMMISSIONERS OF
GALLATIN COUNTY, MONTANA**



Debbie Deagen, Chairperson