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**City of Billings
Parks and
Recreation
Department**

**Michael Whitaker
Director**

To: Mayor and City Council
From: Michael Whitaker, Parks, Recreation and Public Lands Director *MW*
Subject: Resolution of Intent to Create a City-Wide Park District
Date: October 26, 2011

Please find attached the resolution of intent to create a city-wide park district that City Council will be voting on November 14, 2011. The resolution has been posted on PRPL's web site for the public to review.

390 North 23rd Street
Billings, MT 59101

Phone: 406-657-8371
Fax: 406-247-8641
Website: www.prpl.info

"We create community through people, parks, and programs"

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the "City"), hereby certify that the attached resolution is a true copy of a resolution entitled: "A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, TO CREATE A SPECIAL DISTRICT AS AUTHORIZED BY TITLE 7, CHAPTER 11, PART 10 MCA, MORE SPECIFICALLY A CITY-WIDE PARK DISTRICT ENTITLED "CITY OF BILLINGS PARK DISTRICT NUMBER 1," TO ESTABLISH AN ANNUAL ASSESSMENT AND PROVIDE FOR A METHOD OF ASSESSMENTS FOR THE PURPOSES OF FUNDING AND/OR FINANCING COSTS ASSOCIATED WITH PROVIDING SERVICES INCLUDING BUT NOT LIMITED TO: (1) MAINTENANCE, REPAIR, REPLACEMENT, IMPROVEMENT, UPKEEP, INSTALLATION, 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, LABOR, SUPPLIES OR MATERIALS DESCRIBED HEREIN, AND/OR (4) ANY OTHER FUNCTIONS NECESSARY FOR MANAGEMENT OF CITY-OWNED FACILITIES, LANDS AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF BILLINGS PARKS AND RECREATION DEPARTMENT INCLUDING BUT NOT LIMITED TO: PUBLIC PARKS, RECREATION FACILITIES, TRAILS, OPEN SPACE (AS DEFINED IN THE CITY OF BILLINGS URBAN AREA OPEN SPACE PLAN, URBAN FOREST, MEDIANS, BOULEVARDS, AND OTHER FACILITIES LOCATED IN THE CITY AND/OR OWNED BY THE CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO." (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on _____, 2011, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at such meeting, the following Council Members voted in favor thereof: _____; voted against the same _____; abstained from voting thereon; _____; or were absent _____.

WITNESS my hand officially this _____ day of _____, 2011.

Cari Martin, City Clerk

(S E A L)

RESOLUTION NUMBER _____

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, TO CREATE A SPECIAL DISTRICT AS AUTHORIZED BY TITLE 7, CHAPTER 11, PART 10 MCA, MORE SPECIFICALLY A CITY-WIDE PARK DISTRICT ENTITLED “CITY OF BILLINGS PARK DISTRICT NUMBER 1,” TO ESTABLISH AN ANNUAL ASSESSMENT AND PROVIDE FOR A METHOD OF ASSESSMENTS FOR THE PURPOSES OF FUNDING AND/OR FINANCING COSTS ASSOCIATED WITH 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 BILLINGS PARKS AND RECREATION DEPARTMENT INCLUDING BUT NOT LIMITED TO: PUBLIC PARKS AND PARK AREAS (AS DESCRIBED IN THE MASTER PARKS AND RECREATION PLAN FOR THE GREATER BILLINGS AREA), RECREATION FACILITIES, TRAILS, OPEN SPACE (AS DEFINED IN THE CITY OF BILLINGS URBAN AREA OPEN SPACE PLAN), URBAN FOREST, MEDIANS, BOULEVARDS, PATHWAYS, SIDEWALKS, PUBLIC EASEMENTS AND OTHER FACILITIES LOCATED IN THE CITY AND/OR OWNED BY THE CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

**CITY OF BILLINGS
Yellowstone County, Montana**

CITY OF BILLINGS PARK DISTRICT NUMBER 1

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

WHEREAS, the City of Billings, Montana (the “City”) is a municipality duly organized and existing under and by virtue of the Constitution and laws of the State of Montana;

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

WHEREAS, the Council has made the determination to initiate the creation of a special district;

WHEREAS, in accordance with MCA Section 7-11-1007, the Council has conducted a public hearing on November 14, 2011, prior to the passage of this Resolution of Intention to create a special district in the form of a City-wide park district;

NOW, THEREFORE IT IS HEREBY FOUND, DETERMINED AND ORDERED, as follows:

Section 1. Proposed Services; Intention To Create District. It is the intention of the Council to create and establish in the City a special district pursuant to MCA, Title 7, Chapter 11, Part 10, specifically a park district called the City of Billings Park District Number 1 (the "District") for the benefit of inhabitants of the District. The City proposes to establish 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 and/or (b) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; and/or (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 Billings Parks and Recreation Department including but not limited to: public parks and park areas (as described in the Master Parks and Recreation Plan for the Greater Billings Area) recreation facilities, trails, open space (as defined in the City of Billings Urban Area Open Space Plan), 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. The Council hereby determines that it is necessary to create the District in order to properly accomplish the purposes set forth in this Section 1.

Section 2. Number of District. The District, if created and established, shall be known and designated as the "City of Billings Park District Number 1."

Section 3. Boundaries of District. It is hereby declared to be the judgment of the City 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 MCA Section 7-11-1006 (1) and (3), the current boundaries of the City are depicted on a map attached hereto as Exhibit "A" (which is hereby incorporated herein and made a part hereof), which boundaries are designated and confirmed as the boundaries of the District. In accordance with MCA Section 7-11-1006 (2) and (3), the Council will cause a legal description of the boundaries of the proposed District to be prepared in consultation with a professional land surveyor prior to the approval of the District.

Section 4. Benefited Property. It is hereby declared to be the judgment of the Council that the territory included within the boundaries of the District described in Section 3 of this

Resolution and as shown on Exhibits "A" and "B" is hereby declared to be the territory which will benefit and be benefited by the maintenance of the existing improvements and future public area improvements proposed for the District and will be assessed for a portion of the costs of performing such services as described in Section 1 of this Resolution.

Section 5. General Character of the Items to be Maintained/Improved. The general character of the items to be maintained/improved includes but is not limited to: native and turf grasses, trees, shrubs, and other vegetation, lighting, restrooms, irrigation systems, irrigation system water services, drainage ways, groundwater drains, storm water facilities, weed and pest control, equipment, tools, vehicles, fences, recreation facilities and equipment, parking lots, support facilities, signage, trails, pathways, sidewalks, public amenities, public easements and/or other public improvements maintained and/or under the responsibility of the City Parks and Recreation Department.

Section 6. Method of Governing the District. The District shall be governed by the Mayor and Council pursuant to the general respective exercise of their duties, responsibilities and powers as respectively set forth in the City charter and the MCA.

Section 7. 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 1. In accordance with MCA Section 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 8. Estimated Cost of District and Method of Financing. In fiscal year 2013, the Council estimates the cost of the services to be performed in the District to total \$2,000,000. In accordance with MCA Sections 7-11-1021 and 7-11-1025, prior to annually levying assessments necessary to carry out the services to be performed in the District, each year the City Administrator shall prepare, or cause to be prepared, a work plan, budget and estimate of expenses for the services to be performed in the District and the Council 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 Council annually must adopt a resolution establishing the annual assessment for the District. The proposed 2013 assessment for the District is estimated to be 12.39 mills of each parcels taxable value. A \$200,000 home would pay approximately \$32.00 and a \$100,000 home would pay approximately \$16.00 annually for the District.

Section 9. Payment of Assessments. The special assessments for the costs of providing services in the District shall be payable as provided in MCA Sections 7-11-1024 through 7-11-1028.

Section 10. List of Properties Available. In accordance with MCA Section 7-11-1007(3)(b), the Council 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 county assessment roll of the lots or parcels of land including improvements thereon, 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 MCA Section 2-6-109.

Section 11. Public Hearing; Protests. MCA Section 7-11-1008 provides for a 30-day period from the date of the first publication of the notice of passage and approval of this Resolution of Intention to make written protest against the proposed program or improvements. At any time prior to 5:00 p.m., Mountain Time, on December 15, 2011, any owner of real property within the District subject to assessment and taxation for the costs of the services proposed hereunder may make and file with the City Clerk written protest against the creation of the District. At its regular meeting on December 19, 2011, at 6:30 p.m., Mountain Time in the City Council Chambers, 220 North 27th Street, Billings, Montana, the Council will proceed to hear and determine all such protests so made and filed.

Section 12. Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this Resolution in the *Billings Gazette*, a newspaper of general circulation in Yellowstone County on November 15, 2011, and November 22, 2011, in the form and manner prescribed by MCA Section 7-1-4127, and to mail or cause to be mailed a copy of such notice 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 upon the last completed assessment roll for state, city, county and school district taxes, at his or her last-known address, on or before the same day such notice is first published, in the form and manner prescribed by MCA Section 7-1-4129. Such notice shall conform to the requirements of MCA Section 7-11-1007(3)(c) and shall be in substantially the same form as Exhibit "C" attached hereto.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this _____ day of _____, 2011.

CITY OF BILLINGS
Yellowstone County, Montana

Thomas W. Hanel, Mayor

ATTEST:

Cari Martin, City Clerk

(S E A L)

EXHIBIT "B"

The Park District boundary is described as the incorporated boundary of the City of Billings in accordance with City Council municipal annexation resolutions and municipal annexation ordinances filed in the City of Billings 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 Billings property taxes as shown in the tax rolls of the Montana Department of Revenue.

EXHIBIT "C"

NOTICE OF PUBLIC HEARING

The City Council of the City of Billings, Montana (the "Council"), will hold a public hearing and take action on a Resolution of Creation (the "Resolution") to create a City-Wide Park District designated as the "City of Billings Park District Number 1" (the "District").

The Council will hold a public hearing on the Resolution to create the District on Monday, December 19, 2011, at 6:30 p.m. in the City Council Chambers. Copies of the Resolution and more information are available at http://www.prpl.info/parks/park_district.html or at the City Clerk Office. The Resolution describes the District's nature, boundaries, location, the improvements or maintenance that can be funded, and other particulars.

The proposed 2013 assessment for the District is estimated to be 12.39 mills of each parcels taxable value. A \$200,000 home would pay approximately \$32.00 and a \$100,000 home would pay approximately \$16.00 annually for the District.

Written protests against the District must be signed by all property owners and delivered to the City Clerk, 220 North 27th Street, Billings, MT 59101, by December 16, 2011, at 5:00 p.m. Please include your name and tax code (upper left hand corner of tax bill) and address of the property you own on any written protest.

For further information, contact Mike Whitaker at 406-657-8369.

Billings Gazette

Publish:

November 16, 2011

November 23, 2011