

RESOLUTION NO. 1553 - B

A RESOLUTION AMENDING RESOLUTION 1553 'RESOLUTION CREATING MUNICIPAL AIRPORT AUTHORITY' APPROVED ON NOVEMBER 22, 1972.

WHEREAS, this Resolution was introduced by Ed Blackman, Finance Officer, moved by Commissioner Mitchell and seconded by Commissioner Vincent. The Resolution of Intent was adopted unanimously. Commissioner Murdock was excused.

WHEREAS, the County Commission approved Resolution 1553 on November 22, 1972 "Resolution Creating Municipal Airport Authority Under Title 1, Chapter 9, R.C.M.1947, and Providing for Its Operation and Maintenance; and,

WHEREAS, the Resolution stated in Section 4.01. "All moneys of the Authority shall be paid to the County Treasurer and shall be segregated from all other moneys received by the Treasurer in such fund or funds of the Authority as the Authority Board shall direct the Treasurer to maintain. The Treasurer ... Money in the funds of the Authority shall be disbursed by the County Treasurer at the direction of and in the manner prescribed by the Authority Board.", and;

WHEREAS, the Airport Authority Board along with the Airport Director have requested the County remove this restriction thereby eliminating the Treasurer's responsibility for these moneys, the Commissioners responsibility to set the Budget and allowing the Authority to take responsibility for receipt of all money received by the Authority; and,

WHEREAS, the County Commissioners have received communication from the Independent Auditing firm of Knab & Company, P.C. stating "As auditors of the Gallatin Airport Authority, we are not aware of any binding instruments or agreements such that would require the Gallatin County Treasurer to maintain control over the Gallatin Airport Authority's financial assets. It is our understanding that the Authority has satisfied all requirements and redeemed all outstanding bonds relating to the 1993 Bond Purchase Agreement." and;

WHEREAS, the County Commission has received positive comments from the County Treasurer and County Finance Officer for the elimination of this restriction.

NOW THEREFORE BE IT RESOLVED, by the Gallatin County Commissioners that effective July 1, 2003 Resolution 1553 Section 4.01 is eliminated in its entirety and replaced with the following language:

~~Section 4.01.~~ All moneys of the Authority shall be deposited to an FDIC authorized bank in Gallatin County, Montana. Such deposits shall be supported by bank pledges as prescribed under county investment laws, rules and regulations. The Authority may invest money not required for immediate use in accordance with state statute. Money in the funds of the Authority shall be disbursed at the direction of and in a manner prescribed by the Authority Board. The Authority shall provide the County Clerk & Recorder with an original copy of the Authority's annual audit report in its entirety along with the Financial Reports being audited.

DATED this 18th day of March 2003

GALLATIN COUNTY
BOARD OF COUNTY COMMISSIONERS


John Vincent, Chair

ATTEST:


Shelley Vance, Clerk and Recorder

RESOLUTION NO. 1553

RESOLUTION CREATING MUNICIPAL AIRPORT AUTHORITY
UNDER TITLE 1, CHAPTER 9, R.C.M. 1947, and PRO-
VIDING FOR ITS OPERATION AND ADMINISTRATION

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY,
MONTANA, AS FOLLOWS:

Article 1. Recitals

Section 1.01. By Joint Resolution No. 512 of the City of Bozeman and County of Gallatin, Montana, adopted July 3, 1942, the City and County provided for the joint operation and maintenance of the municipal airport (known as Gallatin Field), theretofore owned, operated and maintained solely by the City and partially improved pursuant to an agreement between the City and the Civil Aeronautics Commission entered into August 15, 1941. On July 31, 1942, the Board of County Commissioners and the City Commission, by Joint Resolution No. 518, created a joint airport board and conferred upon the board jurisdiction for the improvement, equipment, maintenance and operation of the airport.

Section 1.02. Pursuant to said joint resolutions the Airport Board has provided for the operation, maintenance, improvement and equipment of Gallatin Field, in cooperation with the City and County. In order to finance necessary capital improvements to the airport, the County has issued its general obligation bonds in the aggregate principal amount of \$285,000.00 of which amount \$174,000.00 is presently outstanding. In addition, both the City and County have levied taxes pursuant to the authority conferred by Title 1, Section 1-804, R.C.M. 1947, for the payment of the expenses of operating, maintaining, improving and equipping Gallatin Field. However, taxes levied and collected by the County have accounted for substantially all of the tax revenues which have been used for payment of the costs of Gallatin Field.

Section 1.03. Existing facilities at Gallatin Field are inadequate to service the present and projected air traffic from both commercial and private users of the airport and substantial improvements to the airport will be necessary in order to provide adequate facilities.

Section 1.04. Title 1, Chapter 9, R.C.M. 1947, authorizes a county to create a municipal airport authority for the purpose of acquiring, improving, equipping, maintaining and operating an airport. Pursuant to discussions by and among the City Commission, the Airport Board and the Board of County Commissioners, it has been determined that the necessary improvements to Gallatin Field and the present and projected functions and operations of Gallatin Field can be made and performed most economically and efficiently and with greatest benefit

to the citizens of the County and the traveling public by the Creation by the County of a municipal airport authority pursuant to Title 1, Chapter 9, R.C.M. 1947.

Section 1.05. In consideration for the creation by the County of a municipal airport authority pursuant to Title 1, Chapter 9 R.C.M. 1947, to own, improve, equip, maintain and operate Gallatin Field and the assumption by the authority of all liabilities, debts and obligations of the City, County and Airport Board with respect to Gallatin Field (except the debts and obligations of the County represented by \$174,000.00 general obligation bonds issued for airport purposes, which shall continue to be the obligation of the County), and provided that the Authority shall have no power to exercise or direct the exercise of the City's taxing powers, and only such limited power as set forth herein to exercise or direct the exercise of the county's taxing power, the City, County and Airport Board agree to grant, convey and transfer to the authority their entire right, title and interest in and to the real and personal property of the City, County and Airport Board situated within the boundaries of or used solely in connection with Gallatin Field.

Article 2.

Section 2.01. There is hereby created, pursuant to Title 1, Chapter 9, R.C.M. 1947, the Gallatin Airport Authority (hereinafter referred to as the Authority), a public body corporate and politic. Except as otherwise provided herein, the Authority shall have all the powers granted to municipal airport authorities by the provisions of Title I, Chapter 9, or any supplements thereto or amendments thereof.

Article 3. Board of Commissioners

Section 3.01. The powers of the Authority shall be vested in the board of commissioners of the authority (hereinafter referred to as the authority Board or Board), which shall consist of five commissioners appointed by the Board of County Commissioners of Gallatin County. The following persons are appointed as the first commissioners for terms commencing December 1, 1972, and expiring on the date designated opposite the name of each appointee:

John G. Buttleman, Willow Creek, Montana	June 30, 1973
Gardner C. Waite, Bozeman, Montana	June 30, 1974
Howard I. Nelson, Bozeman, Montana	June 30, 1975
William A. Merrick, Bozeman, Montana	June 30, 1976
Zales Ecton, Manhattan, Montana	June 30, 1977

Upon expiration of the terms of the commissioners first appointed, commissioners shall be appointed or reappointed for terms of five years; provided that vacancies occurring otherwise than by expiration of a term shall be filled by appointment by the Board of County Commissioners for the unexpired term. Each commissioner shall hold office until his successor is appointed and has qualified. Upon

appointment of a commissioner a certificate of appointment or re-appointment shall be filed with the Authority.

Section 3.02. Each commissioner of the Authority Board shall qualify by taking, subscribing and filing the constitutional oath of office with the County Clerk and Recorder of Gallatin County, Montana. The County Clerk and Recorder of Gallatin County, Montana, shall cause Gallatin County's blanket surety bond for County Officers as provided for in Title 6, Chapter 6, R.C.M. 1947, to be amended to include Authority's commissioners and employees upon such penalty as may be deemed necessary by the Authority Board.

Section 3.03. Upon notice of their appointment the Board shall meet and organize by electing a chairman, vice-chairman and secretary. The names of the persons elected chairman, vice-chairman and secretary shall be certified by the secretary and filed with the County Clerk and Recorder of Gallatin County, Montana, after each election or change of officers by the Board. The Board shall adopt rules and regulations not inconsistent with Title 1, Chapter 9, for its own operation and government and shall set the time and place of its regular and special meetings. A majority of the commissioners shall constitute a quorum for the purpose of conducting the business of the Authority, exercising its powers and for all other purposes.

Section 3.04. Commissioners shall be entitled to a reasonable compensation and their necessary expenses, including travel expenses, incurred in the discharge of their duties. All items of expense shall be submitted in proper form for expenses as required by the State of Montana for county employees.

Article 4. Finances

Section 4.01. All moneys of the Authority shall be paid to the County Treasurer and shall be segregated from all other moneys received by the Treasurer in such fund or funds of the Authority as the Authority Board shall direct the Treasurer to maintain. The Treasurer shall establish and maintain a separate accounting system for the fund or funds of the Authority. Moneys in the funds of the Authority shall be disbursed by the County Treasurer at the direction of and in the manner prescribed by the Authority Board.

Section 4.02. On or before June 10 of each year the Authority shall file with the Gallatin County Board of Commissioners a budget showing the estimated revenues and expenditures of the Authority for the next following fiscal year. At the time the budget is submitted, the Authority shall also certify to the County Board of Commissioners the amount of tax to be levied and collected by the County and paid to the Authority pursuant to Section 1-916, R.C.M. 1947. The levy for all airport purposes shall not exceed 2 mills exclusive of levy required to retire debt which has been approved by a vote of the people creating a general obligation.

Section 4.03. On or before July 31 of each year, the Authority shall prepare and present to the County Board of Commissioners a comprehensive annual report of its activities and finances for the fiscal year most recently ended.

Section 4.04. The Authority shall file with the Board of County Commissioners certified copies of any and all resolutions adopted by it pursuant to Section 1-912, R.C.M. 1947, or other applicable laws, setting forth the covenants and agreements made by it as security for any bonds or other obligations issued for its corporate purposes. The Board of County Commissioners and all officers and employees of the County shall upon request of the Authority take any and all actions necessary to assist it in complying fully with all such covenants and agreements and with all provisions of law which in any way provide security for the prompt payment of the principal and interest of such obligations, including but not limited to those provisions of Sections 1-912 and 1-916 requiring the levy and collection of taxes for airport purposes upon all taxable property within the County, upon the conditions and subject to the limitations therein set forth, or set forth in this resolution.

Article 5. Gallatin Field

Section 5.01. The Authority shall assume ownership of and responsibility for the improvement, equipment, operation and maintenance of Gallatin Field. All debts, obligations and liabilities of the City, County and Airport Board with respect to Gallatin Field (except the obligation and debt of the County represented by \$174,000 general obligation bonds issued for airport purposes, which shall continue to be the obligation and debt of the County) are hereby or will be assigned and transferred to and shall be assumed by the Authority. The Authority shall have no power to exercise or direct the exercise of the taxing power of the City of Bozeman and only limited power as set forth in Section 4.02 herein to exercise or direct the exercise of the County's taxing power.

Article 6. Amendment

The right to alter, amend or repeal this resolution is reserved to the Board of County Commissioners; provided that the Board of County Commissioners shall, to the extent required by any such alteration, amendment or repeal, make provisions for the retention or disposition of the assets and liabilities of the Authority.

Dated: 11/22/72

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY, MONTANA

ATTEST:

Marie S. Tuckey
Clerk & Recorder of

Boyd J. ... Chairman
...
Walter J. ...