

GALLATIN COUNTY RESOLUTION NO. 2011-016

Resolution Ratifying and Reforming Big Sky Transportation District

This Resolution was introduced by James Greenbaum, moved by Commissioner SKINNER, seconded by Commissioner WHITE, and approved by vote 3 in favor and 0 opposed on 3-8 2011.

**Whereas:** In 1991 Urban Transportation Districts were formed pursuant to petition, public hearing, and election process under the laws of the State of Montana, MCA 7-14 Part 2, in Gallatin County "Big Sky/ Gallatin Canyon Area Transportation District" Resolution No. 1991-48, December 24, 1991, and Madison County "Transportation District for the Big Sky Area in Madison County" Resolution 9-91, October 1, 1991, and election results certified by the Madison County Election Administrator, November 19, 1991; and

**Whereas:** The Urban Transportation Districts formed by Gallatin and Madison County have been administered as the "Big Sky Transportation District" by one common board; and

**Whereas:** The original bylaws of the Big Sky Transportation District called for a three member board; and

**Whereas:** The public transportation system in the district has grown from a seasonal service to a year round service with over 100,000 passenger rides, eight vehicles and five main routes; and

**Whereas:** The current board members believe that it is in the best interests of the district, the County and the public that the board "could benefit from additional board membership"; and

**Whereas:** MCA 7-14-212 provides that "the district must be governed by a transportation board" and that "the commissioners of the governing bodies of each city or town included or partially included in the district shall determine if the board is to be elected or appointed" and "determine the number of board members" and "set the term of office"; and

**Whereas:** It is the intent and purpose of this Resolution to ratify and reaffirm the Big Sky Transportation District and to clarify the powers and duties of the board in compliance with Title 7, Chapter 14, Part 2; and

**NOW, THEREFORE, BE IT RESOLVED,** by the County Commissioners that the following administrative board, district, commission or special district is hereby ratified and reformed as follows:

1. Name of board, district, commission or special district: Big Sky Transportation District.
  - a. Three members shall be appointed by the County Commissioners of Gallatin County and two may be appointed by the Commissioners of Madison County.
  - b. Members of the board shall serve 3-year terms.
  - c. Members are entitled to mileage, per diem, expenses and salary as follows: No salary, no per diem, reasonable transportation expenses in accordance with Gallatin County Personnel Policy.
  - d. Members appointed by the County Commissioners of Gallatin County must reside in Gallatin County and members appointed by the County Commissioners of Madison County

must reside in Madison County and have the following special qualifications in addition to those established by law: general knowledge of transportation operations or related business experience.

e. Members shall serve terms beginning on July 1, except that members that are appointed to fill vacancies shall serve terms beginning on the effective date specified in the County Commissioners' resolution filling the vacancy.

f. Members whether elected or appointed shall serve at the pleasure of the County Commissioners and may be removed with or without cause or any reason or no reason solely at the discretion of the County Commissioners of the county from where the members were elected or appointed.

g. Members shall be appointed. Any members that are currently serving on the Big Sky Transportation District that were elected may serve their terms, unless sooner terminated, and the County Commissioners from the county where the members were elected or appointed shall fill any vacancy by appointment.

h. The Big Sky Transportation District area shall remain unchanged as defined by the original petitions, certifications and resolutions. Exhibit A, Gallatin County area; and Exhibit B, Madison County area.

2. The following administrative powers and reservations are granted by this resolution:

a. Shall not pledge the credit of the county or impose a tax.

b. Shall not hire engineers, surveyors, attorneys, or other licensed professionals without authority of the County Commissioners.

c. Administer programs, establish policy, and adopt administrative and procedural rules.

d. All powers necessary and proper to the establishment, operation, improvement, maintenance, and administration, including the following specific powers: including the authority to enter contracts for goods or services consistent the Gallatin County Small Purchase Policy 2008 and any revisions thereto.

e. May employ personnel to assist in its function. All contracts for hire shall be subject to approval by the County Commissioners.

f. Except (b) above, may enter into agreements and contracts necessary to the proper operation, improvement, maintenance and administrations.

g. Shall comply with County procurement policies and any subsequent amendments or modifications.

h. Shall adopt or revise existing bylaws with the consent and approval of the County Commissioners of Gallatin.

i. Shall provide reports to the County Commissioners and whenever requested shall cooperate with the County Administrator, County Auditor, Accounting, Finance Department, Clerk & Recorder's Office and other departments.

j. Shall have no power to sue or be sued independently of Gallatin County unless authorized by law.

3. The County Commissioners shall assume the duties of the administrative board, district, or commission if the minimum number of qualified persons is not available, and in such case

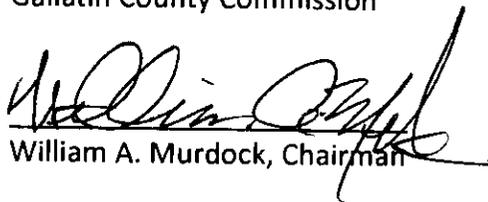
the County Commissioners shall have all the same powers and duties and act in the same capacity of an administrative board, district, or commission, and shall not receive any additional compensation.

4. The administrative board, district or commission and all members, personnel or employees shall abide by all federal, state and local laws and rules and as applicable the policies and procedures of the county from which elected or appointed.

5. If any part or provision of this Resolution is held to be unenforceable, then the remainder shall be upheld. In the event of any conflict with any part of provision of this Resolution and the Montana Code Annotated the statute shall be controlling.

Dated: 3/8/11 2011

Gallatin County Commission

  
William A. Murdock, Chairman

Attest:

Charlotte Mills  
Charlotte Mills, Clerk and Recorder