

BOARD OF PARK COMMISSION
June 22, 2005

ATTENDANCE: Robert Logar, Carol Collins, Christina Thompson (Staff), Michael Harris (Staff), Jack Clarkson, Patrick Finnegan, Donna Gottsch, Rick Fink, Commissioner Bill Murdock, Commissioner Joe Skinner, and Marty Lambert.

ABSENT: Debbie Deagan

ITEM 1. PUBLIC COMMENT ON NON-AGENDA ITEMS

Mike Harris called the meeting to order at 5:00 pm. No public comment was submitted.

ITEM 2. INTRODUCTIONS

Commissioner Murdock and Skinner gave opening remarks, including their visions of park infrastructure and the purpose of a Board of Park Commissioners in the county. Members of the board gave introductions and their purposes for serving on the board.

ITEM 3. REGULATORY AUTHORITY-LEGAL ISSUES, LIABILITY COVERAGE, DECISION MAKING, FINDINGS, OPEN MEETING LAWS (COUNTY ATTORNEY MARTY LAMBERT)

County Attorney Marty Lambert presented state statutes in detail related to a Board of Park Commission and emphasized authority and power this board holds regarding parks in the county. (MCA Sec. 7-16-2301-7-16-2301)

Sec. 7-16-2324-Attorney General Opinion states that a County Park Board may not sell county park property, however, a Board of County Commissioners may sell land that has been dedicated to the public for park purposes.

Sec. 7-16-2325- All contracts may be signed by the Board of County Commissioners. The Board of Park Commission may enter into the contract, but if the board requests money for the contracts, the County Commission must approve the contract for expenditure use of county funds.

Sec 7-16-2327-The total amount of indebtedness authorized to be contracted in any form, including existing indebtedness may not at any time exceed 0.79% of the total assessed value of taxable property (commercial and residential) in the county.

Liability Coverage-Board members, under the liability provisions, are in a pool of insurance sponsored by Joint Powers Insurance Authority. Montana Association of Counties administers and the county commissioners serve as trustees. Volunteers have the same coverage as any employee of Gallatin County. If you have intentional misconduct in dealing with county money then the county does not have to defend you.

Open Meeting Laws- Some things to consider are agendas and minutes. Being specific as much as possible about the issue that will be discussed is key. Minutes must be made available and have enough detail and substance on issues discussed and voted upon. By-laws should include specific details regarding content in minutes and agendas. Keep in mind that public input has to be allowed before a final decision is made.

Mr. Harris asked Mr. Lambert if the authority of the Board of Park Commission is to make rules and make them enforceable? Mr. Lambert answered that the County Commission must adopt those rules or ordinances to make them enforceable.

Findings- Findings are in the “whereas” section and in the Board’s rules. The Board must gather and present facts, spoken or written, and include exhibits so that findings will get to a particular conclusion.

Mr. Lambert mentioned one of the main issues is how to get the County Commission to place a vote on a levy on property tax in terms of operation, future goals for park purposes, and to purchase property.

ITEM 4. DISCUSSION ON BYLAWS

Specific votes need to be taken including approval of claims. Therefore, the rules of having officers will be really important. The board will review the draft By-laws, and determine terms and officers at the next meeting.

ITEM 5. DRAFT STRATEGIC PLAN-GOALS AND OBJECTIVES

There is a 1989 Park and Recreation Plan that will be updated. There is an outdated park inventory through our G.I.S. parcel data. We will need to update and reclassify this parcel data to classify parks as a) dedicated only to subdivisions, b) dedicated to the public to be maintained by homeowner’s associations, or c) county-owned parkland dedicated to the public. County parks are not currently maintained. The county will contract with someone to do an inventory based on the G.I.S. model and then do a site specific, written description of the park. Mr. Harris has spoken with Trust for Public Lands to have Gallatin County participate in green modeling. This is a program that assists in creating a master plan to have more centralized parks according to the population and need.

Bob Logar asked if there is a system in place to receive cash in lieu of lands to use toward concentrated local parks instead of the County Commission approving small weed lots within proposed subdivisions. Mr. Lambert answered yes, and added that this board will need to figure out where the board fits into the subdivision review? Currently the Trails Committee (sub-committee of the Planning Board) reviews subdivisions for trail access.

Donna Gottsch mentioned that in her subdivision, the developers were asked to put in trees and a trail. The trees have since died and the trail is covered. Is it the homeowner’s responsibility to maintain the trees and trail? Mr. Harris answered that without all of the information given, there may have been a condition of final plat approval to put in trees and a trail, and the land for the trail is dedicated to the public. It is up to the homeowners to maintain the trail in this case. Mr. Lambert mentioned that the trail is located on the certificate of survey or plat and you may have to get neighbors together to take legal action to preserve the integrity of trail or dedicated space.

Next month, the board will discuss developing a work plan, updating the 1989 Parks and Recreation plan, and creating a park's master plan.

Patrick Finnegan noted that our goals should be similar to the Parks and Trails task force goals.

\$10,500 has been allotted to the Board of Park Commission for administrative and travel expenses.

ITEM 6. **ADJOURNMENT**

The board decided that minutes and agenda will be sent via email and that meetings will be held in the Commission Meeting room on the third Wednesday of each month at 5:00p.m. The meetings will be advertised in the legal section of the paper, and also the County Commission calendar on the county website within 48 hours of the meeting.

The meeting adjourned at 6:41 p.m. The next Board of Park Commission meeting is set for July 20, 2005 at 5:00pm in the County Commission Meeting Room.

Respectfully Submitted,
Christina Thompson
Exec. Asst.
Gallatin County Commission