

facts to the community. Our unofficial stance is that non-residents should have a *voice* in local issues but we don't agree with trying to change the law so that they can vote—it's unconstitutional. Non-residents vote elsewhere, where their primary residence is. If they'd like to vote in Big Sky, they can establish their primary residency in Montana. Second homes are a luxury; this is not taxation without representation.

## **MAPPING**

Steve has been in contact with DTM Consulting to let them know that we have received funding from Resort Tax and that we will be giving them a more detailed outline of what work we will need done. They are expecting to have time for us in the next few weeks.

After some discussion, it was decided that the broadest boundaries of Big Sky were the Resort Tax District's, so we are starting from there. The map will also include other districts as layers, so that if we need to, we can work down to smaller areas if the Resort Tax District turns out to be too vast. Steve will ask DTM if this will affect the cost. (Steve has since contacted them and they don't believe that it will affect the estimated cost.)

The question was raised regarding our need for the MSU Local Gov't Center or the MT League of Cities and Towns. The Local Gov't Center will be needed once we want to establish mock budget scenarios for the proposed area we will call Big Sky. The MT League of Cities and Towns would only be needed if enabling legislation were required.

The meeting was adjourned at 6:40 pm. The next meeting is scheduled for Thursday, June 23<sup>rd</sup> at the Water & Sewer office, 5-7 pm.

**Question 3:** Can a ward be any shape or does it need to be square?

**Question 4:** We understand that there is no specific provision for, nor prohibition of, incorporating across county lines. Plenty of cities and towns across the United States cross county borders. But, what would need to be done in order for Big Sky to accomplish this? The area we currently consider 'Big Sky' spreads across Gallatin and Madison counties.

The group also wanted Dick to touch base with Browning, Kaleczyc, Berry and Hoven Attorneys at Law to keep them informed of how we are proceeding. We may eventually need to hire them, but contacting Marty Lambert's office, which is free, is our first priority.

### **FINANCIAL FACTS**

It was discussed and agreed upon that the financial line items that HOA's currently pay for what might be taken over by a municipality would be roads; including maintenance and snow removal. The issue of insurance was also raised and needs to be researched further – would a municipality have better/different insurance requirements than HOA's? If so, would the HOA's then be able to forego purchasing this and be covered under the municipality's policy?

Steve will speak with Schwartzkopf and with his help will draft a letter to the HOA's asking for their permission to see these specific line items on their budgets. Once the letter is drafted and approved by this group, it will be handed over to the Chamber for their approval and to be put on their letterhead. Carol gave us BSOA's budget for reference. Mary Jane and Pablo are going to compile all of the HOA's that they know of and pass it along to the group so we can try to cover all that exist. The point was brought up that even if we just get a few of the larger HOA's information, we should have a pretty accurate reference.

The question of county road taxes came up and what happens to them if we become a municipality; it is believed that the town would get them but maybe the amount collected would change.

As some background, Steve reviewed the Fact Gathering chart that he has developed to help break down each step that we will need to take in the overall process. The point was reiterated that census data would be needed if a petition becomes necessary. A map showing where all registered voters are would also be key. West Yellowstone and Taos are two communities that should be studied, since they are resort areas that have recently incorporated. Study the process and look at their budgets.

The question of non-resident voters was brought up and how we avoid that becoming the issue again. At this point, the group is focusing its efforts on local governance options—do we qualify for incorporation, what would the process be, fact gathering, etc. It was brought up that we would need to address this issue when it is time to bring all of the

**MEETING MINUTES**  
Community & Infrastructure Solution Group  
June 8, 2005

**In Attendance:** Kate Wilson (Chairperson), Steve Johnson, Kay Reeves, Erin Hayes, Carol Collins, Mary Jane McGarity, Paul Bussi.

**Guest:** Doug Timm

Kate called the meeting to order at 5:10 pm.

The previous minutes from April 25, 2005 were approved.

Kate reviewed with the group how the resort tax application went and what additional legwork different group members had done since the last meeting:

- \* \$37,500 application was submitted to the Resort Tax Board
- \* Kate could not reach any of the 3 gentlemen recommended to gather financial data for the group.
- \* Steve spoke with Mike Schwartzkopf, who volunteered to collect financial data from the Home Owner's Associations (HOA) for no fee. What Schwartzkopf did suggest is that we only collect financial figures on line items that could possibly be taken over by a municipality – mainly roads and road maintenance.
- \* Steve spoke with DTM Consulting in Bozeman about gathering mapping and census data. They submitted an estimate that would not exceed \$1,200.
- \* As a result of the new data collected, Kate revised the Resort Tax application to \$10,000. The Resort Tax board approved the \$10,000 application.

Now that the money has been approved, it's time to start collecting the facts. In order, here is what needs to be done:

**LEGAL ADVICE**

Carol brought up the idea a few weeks ago that the Gallatin County Attorney's office may be able to give us a free legal opinion. Marty Lambert's office has someone on staff that will be funded through June 30<sup>th</sup> and this could be a great project for him. Carol has contacted Marty and he seemed in agreement, but wants Bill Murdock, Gallatin County Commissioner, to sign off on the funding. Carol has spoken briefly with Murdock and Kate has also left him a message. Kate passed out copies of a letter and memo that she has drafted for Marty Lambert, asking for answers to certain legal questions. After review and discussion, the following questions were agreed upon:

**Question 1:** Is there a density requirement implied in MCA 7-2 4101?

**Question 2:** In (2)(a) the language is inconsistent. 'Registered electors' and then 'inhabitants residents there in' are used. What exactly are 'inhabitants resident there in'? Are they all members of every household in the ward; are they of a certain age requirement?