

**GARDINER RESORT AREA DISTRICT**

**ORDINANCE NO. 2016-2  
(EFFECTIVE ON: April 7, 2016)**

**AN ORDINANCE DESCRIBING THE PROCEDURE FOR THE ANNUAL AND EMERGENCY APPROPRIATION  
OF RESORT TAX FUNDS**

**PURSUANT** to the authority vested in the Board of Directors (“Board”) of the Gardiner Resort Area District (“District”) pursuant to §§7-6-1505, 7-6-1542 and 7-6-1547, MCA, be it ordained by the Board to adopt Ordinance No. 2016-2 as follows:

**Section 1. Annual Appropriation Procedures – Application for Receipt of Resort Tax Funds:**

- (1) If resort tax funds are available, the Board may appropriate those funds on an annual basis.
- (2) Any organization as defined below may apply for receipt of resort tax funds for a project or service to occur within the boundaries of the District by submitting an application to the Board on a date designated and publicly noticed by the Board. Among other things, the application may request the following information:
  - (a) The name and address of the organization applying for resort tax funds including the name, phone number and email address of the individual representing the organization in the application and at the meetings related to the appropriations as set forth in section 2;
  - (b) A copy of the Articles of Incorporation of the organization, if applicable;
  - (c) A statement describing the purpose and nature of the organization;
  - (d) A description of the following:
    - (i) The purpose and goals of the project or service for which resort tax funds are requested;
    - (ii) The economic benefit of the project or service to the District;
    - (iii) The cost of the project and use of resort tax funds applied for including anticipated draw request dates;
    - (iv) Relationship of the cost of the project to the overall budget of the organization;
    - (v) The anticipated effect of the project or service on the future of the organization;
    - (vi) Whether or not the receipt of resort tax funds would lower the mill levy or fee imposed on any person or organization within the District;
    - (vii) Other information deemed necessary by the Board as set forth in the application.
- (3) Failure to provide a completed application by the date designated by the Board may result in immediate denial of the application.
- (4) Any application submitted by an organization is deemed a public document and open to public inspection. Copies of applications may be provided upon request at a cost to be determined by the Board.
- (5) The word “organization” as used in this Ordinance means any association, non-profit entity, or governmental unit.

**Section 2. Annual Appropriation Procedures-Opportunity for Public Comment**

- (1) The Board shall set and notice a date by which applications for resort tax funds must be submitted to the District;
- (2) The Board shall set a date for a public hearing at which the Board will ask questions, if any, of the each applicant pertaining to their application;
- (3) The Board shall set a date for a public hearing at which the Board will appropriate available resort tax funds to organizations selected by the Board in amounts and under conditions as

specified by the Board. The selection of organizations, the amount of funds appropriated and the conditions placed upon applicant for receipt of resort tax funds are within the Board's discretion as limited by §19 of Ordinance 2015-1, and as may be amended.

- (4) In order to receive the resort tax funds appropriated, each applicant will be required to enter into a contract with the Board which details the duties and conditions for receipt of resort tax funds.
- (5) The public will be offered a reasonable opportunity to comment on any application at all public hearings held on the applications.

**Section 3. Emergency Appropriation.**

- (1) For purposes of this section, an "emergency" means a serious, unforeseen and unanticipated circumstance that has occurred subsequent to the time that the Board made its appropriations in a particular year and that demands immediate action by the Board.
- (2) If an emergency arises within or that negatively affects the District, an organization may apply for an emergency appropriation by making a written request to the Board describing the emergency. The Board may on its own initiative take action if it deems that an emergency has occurred and meets the vote required in (3) below.
- (3) A super majority vote of four (4) members of the Board is required in order to approve an emergency appropriation.

**Section 4. Appropriations Specifically Directed by Section 19 of Ordinance No. 2015-1.** Appropriations specifically directed and set forth in section 19 of Ordinance No. 2015-1 are exempt from sections 1 and 2 of this Ordinance.

- (1) In order to implement section 19(a) of Ordinance No. 2015-1, the District Board shall disburse resort tax funds to Park County by October 10<sup>th</sup> of each year.
- (2) In order to implement sections 19(e) and (f) of Ordinance No. 2015-1, the District Board shall disburse resort tax funds to the Gardiner Chamber of Commerce for the purposes specified in sections 19(e) and (f) of Ordinance No. 2015-1 upon receipt of a written request from the Chamber for those specified purposes.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE GARDINER RESORT AREA DISTRICT ON THE FOLLOWING DATES:**

1<sup>st</sup> Reading: R. Demaree      Vote: Unanimous      Date: February 23, 2016  
Chairperson

2<sup>nd</sup> Reading: R. Demaree      Vote: Unanimous      Date: March 8, 2016  
Chairperson

By: R. Demaree  
Chairperson