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435 Ryman
Missoula, MT 59802

RESOLUTION NUMBER 7576

A RESOLUTION OF THE MISSOULA CITY COUNCIL ESTABLISHING A TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) CONSISTING OF NON-CONTIGUOUS HOTEL/MOTEL LANDS WHO HAVE VOLUNTARILY PETITIONED THE CITY OF MISSOULA TO ESTABLISH A TBID FOR THE PURPOSE OF AIDING TOURISM, PROMOTION, AND MARKETING WITHIN THE DISTRICT AND ALLOWING HOTELS/MOTELS OUTSIDE THE CITY LIMITS IN THE MISSOULA URBAN AREA TO DONATE FUNDS TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, on October 4, 2010, the Missoula City Council adopted Resolution 7569, a Resolution of Intent indicating the Council's intention to create the Missoula Tourism Business Improvement District (the "District") pursuant to the provisions of §7-12-1101, MCA, *et seq.*, and

WHEREAS, the recitals and items resolved by Resolution 7569 are incorporated herein by reference as if part of this Resolution; and

WHEREAS, the City Clerk published notice of passage of Resolution 7569 in compliance with Sect. 7-12-1112, MCA, by publishing the notice in the *Missoula Independent* on October 7 and 14, 2010, and by mailing a copy of the notice to every owner of real property potentially subject to assessments within the proposed District as indicated in Resolution 7569; and

WHEREAS, Sect. 7-12-1113, MCA allows the owner of any property liable to be assessed to make a written protest against the creation of the District. Pursuant to Montana law and Resolution 7569, any owner duly noticed was required to submit that protest in writing and deliver it to the City Clerk no later than 5:00 p.m. on October 22, 2010; and

WHEREAS, the City Clerk's office has received letters in protest of the district as follows:

	Number of owners	Taxable Valuation	Estimated assessments
Number protesting	0	0	Not evaluated
Total aggregated	0	0	Not evaluated
Percentage	0%	0%	Not evaluated

WHEREAS, Sect. 7-12-1114, MCA requires the City Council, after close of the protest period, to hold a hearing on any protests received during the protest period as described above and pass upon those protests and the City Council has done so on October 25, 2010; and

WHEREAS, there were no protests received to present to the City Council; and

WHEREAS, the City Clerk notified the Council that no protests were received; thus the protest thresholds outlined in section 7-12-1114(3), MCA are not met; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Missoula, Montana:

1. The City Council hereby notes that no protests were received and determines that protests are not sufficient pursuant to Sect. 7-12-1114(3) (a) and (b), MCA to prevent the creation of the District. The City Council hereby finds there is no way of reasonably or fairly determining or estimating what the assessments for the individual properties will be and therefore this protest provision was not evaluated; and
2. The City Council hereby adopts this final Resolution and orders creation of the district for a period of ten years in accordance with Resolution 7569. The purpose, name, limits and boundaries of the district, benefitted properties, general character of the services to be performed, assessment methods and properties to be assessed, and duration of the district shall be carried out as set forth in Resolution 7569. A map of the properties currently included in the district is attached as Exhibit A and a list of the properties included in the district is attached as Exhibit B; and
3. In accordance with 7-12-1121 MCA, the City Council hereby establishes a five member Board of Trustees to oversee the affairs of the district. The TBID board of trustees will be comprised of five (5) owners of property or their legally designated representatives within the district who are subject to TBID assessments. The Mayor will make the appointments with the advice and consent of the City Council. The Mayor will also designate the first chair of the Board of Trustees. Terms for the board of trustees will be staggered in accordance with §7-12-1121 (3) and (4). The director of the TBID will be the executive director of the Missoula Convention and Visitor's Bureau in accordance with §7-12-1121 (1). The Mayor will appoint a non-voting ad hoc liaison to the board from the city to facilitate communication between the district trustees and the city. The TBID Board of Trustees is a public body, and the affairs of the district and of the board are subject to all statutory and constitutional laws pertaining to public bodies; and
4. The City Council hereby notifies the Board of Trustees that pursuant to section 7-12-1143 MCA, the annual work plan and budget shall not be adopted unless the work plan and budget provide for adequate liability coverage insuring the district, the Board, and the City of Missoula against legal liability for personal injury and property damage in an amount sufficient to cover the City of Missoula's statutory liability limits as stated in Sect. 2-9-108(1), MCA.; and
5. The City Council hereby notifies the Board of Trustees that the obligations incurred by the district are not obligations of the local government. In accordance with §7-12-1144, the City Council declares that any obligation or debt of any nature of the TBID is not an obligation or debt of the local government that established the district, and in no event is a debt or obligation of the district payable out of any funds or properties of the local government. The debts and obligations of the TBID are payable solely from the funds and properties of the district.
6. The City Finance Director is hereby directed to establish the necessary accounts to administer the funds derived from TBID assessments.

Severability. If any section, subsection, sentence, clause, phrase or word of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The council hereby declares that it would have passed this resolution and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this resolution should be declared invalid or unconstitutional, then the remaining resolution provisions will be in full force and effect.

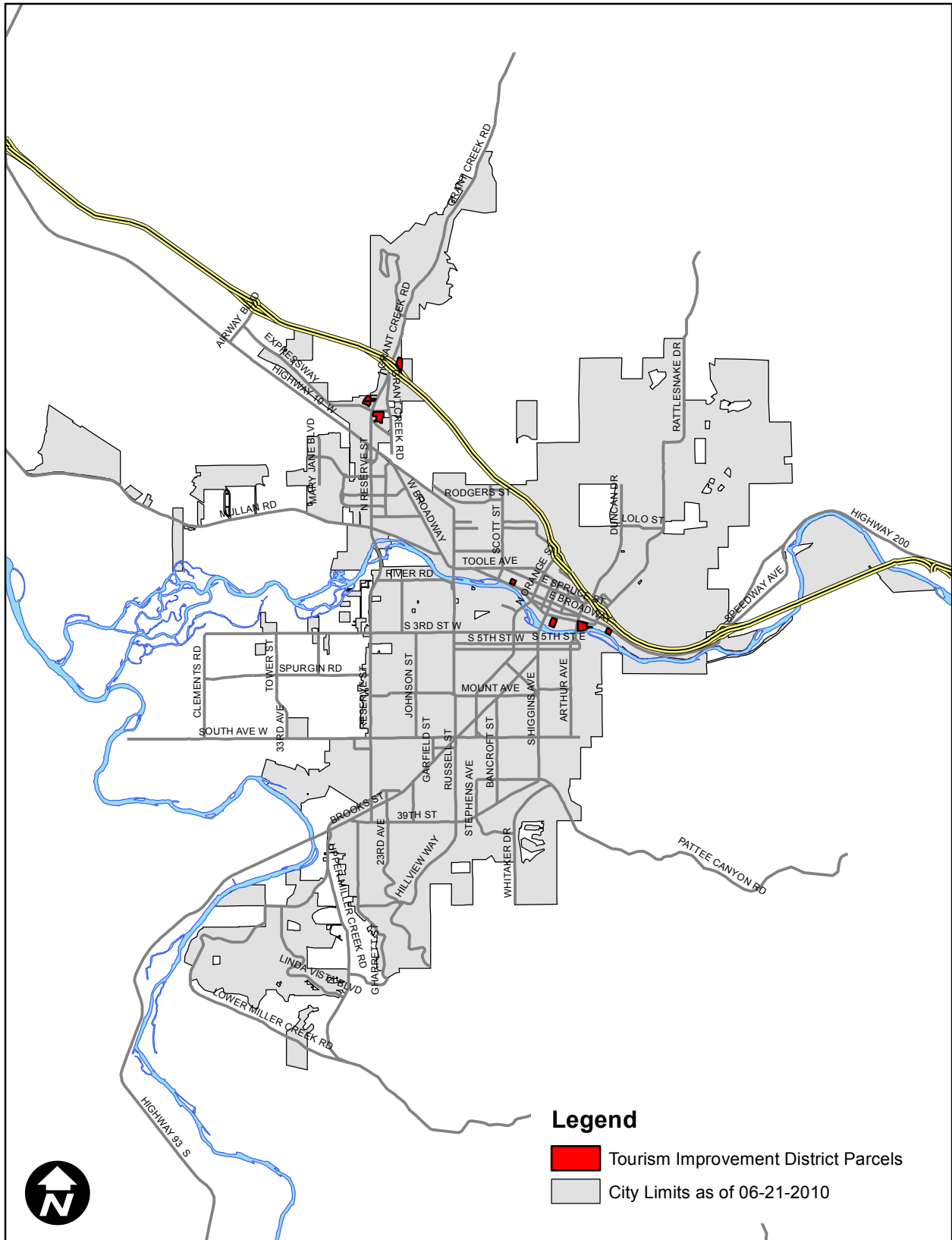
APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSOULA, MONTANA this 25th day of October, 2010.

ATTEST:

APPROVED:

/s/ Martha L. Rehbein
Martha L. Rehbein, CMC
City Clerk

/s/ John Engen
John Engen
Mayor



Tourism Business Improvement District Map—Exhibit A

