

RESOLUTION No. _____

**JOINT RESOLUTION CREATING THE BIG SKY PASSENGER RAIL
AUTHORITY FOR THE PURPOSE OF PROVIDING FOR THE
PRESERVATION AND IMPROVEMENT OF ABANDONED RAIL
SERVICE IN SOUTHERN MONTANA**

BE IT RESOLVED by the Boards of County Commissioners (the "Boards") of the signatory Counties below (the "Counties"), as follows:

Section 1. Authorization. Pursuant to Montana Code Annotated, Title 7, Chapter 14, Part 16, as amended (the "Act"), local governments are authorized to create railway authorities. Under the Act, a "railway authority" may be authorized by law as either a county rail authority or by joint resolution by two or more counties the counties may create a regional rail authority. The Act gives a railway authority all the powers set forth in the Act necessary to provide for the preservation and improvement of abandoned rail service, including passenger rail service.

Section 2. Purpose. The purpose of an authority is to provide for the preservation and improvement of abandoned rail service for agriculture, industry, or passenger traffic and to provide for the preservation of abandoned railroad right-of-way for future transportation uses, when determined to be practicable and necessary for the public welfare. The establishment of the Big Sky Passenger Rail Authority will provide:

- A means to further the health, safety, welfare, and economic prosperity of the region by advocating for rail as a public transportation option;
- The governance structure to investigate, analyze, seek funding for, and develop long-distance, inter-city rail service across southern Montana; and
- Other undertakings contemplated by the Act.

Section 3. Name of District and Duration. The Regional Rail Authority (Authority) shall be known and designated as "Big Sky Passenger Rail Authority." The duration of the Authority shall be perpetual, provided that, if no bonds, or other debt of the Authority, are outstanding and the Authority determines that it is in the best interest of the Counties' inhabitants or that the purpose of the Authority has been fulfilled, the Authority may dissolve the Authority pursuant to the rules established by the Authority.

Section 4. Governance. The powers of the Authority will be vested in a board of directors of not less than five directors (Directors). The Authority board may in its rules or bylaws or by resolution provide for the appointment of one or more ex-officio non-voting members, and otherwise set forth details regarding the governance of the Authority.

(1) Appointment of Directors. The Boards of County Commissioners in participating counties will appoint the initial directors of the Authority. The Authority will have the authority to increase the number of directors after the Authority is established and the appointment of the initial directors. If the Authority expands the number of counties, and directors, beyond the initial participating counties, the Boards of County Commissioners in those subsequently added counties will also make board appointments to the Authority.

(2) Number of Directors . The Authority board will have at least five directors. If five or more counties join the Authority, the board membership will equal the number of counties in the Authority, with one member appointed by each county.

(3) Qualifications of board members. The appointed directors must have an interest in furthering the mission of the Authority and bring varying expertise and knowledge to the Authority.

(4) Length of term. Each director will be appointed for a term of three years.

Section 5. Boundaries of District. The limits and boundaries of the Authority will encompass in the aggregate the boundaries as approved by each participating County. The boundary of the area included for each county shall be the boundary of the county unless designated otherwise.

Section 6. Rule Making Authority. The Authority has the authority to adopt rules pursuant to MCA § 7-14-1631, including but not limited to procedural rules for the addition of a county not included in the original joint resolution. Such petitioning county must first pass a resolution requesting to join the regional rail authority. If such a request is granted by the Authority, the Board of County Commissioners of the petitioning county will select, pursuant to its own process, its representative to the board of the Authority.

Section 7. General Powers of Authority. The Authority has all the powers necessary to carry out the purposes of the Act, including but not limited to:

(1) sue and be sued, have a seal, and have perpetual succession;

(2) execute contracts and other instruments and take other action as may be necessary to carry out the purposes of the Act;

(3) receive and disburse federal, state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of the Act. Federal money accepted under this subsection must be accepted and spent by the Authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this subsection must be accepted and spent by the Authority upon terms and conditions prescribed by the state.

(4) sell, lease, or otherwise dispose of real or personal property acquired pursuant to this part. The disposal must be in accordance with the laws of this state governing the disposition of other public property.

(5) borrow money and issue bonds pursuant to MCA 7-14-1636; and

(6) all other powers provided by Montana statutory authority.

Section 8. Public Hearing. Pursuant to MCA 7-14-1621(2), the undersigned Counties each certify that they held a public hearing and published notice of the hearing pursuant to MCA 7-1-2121, and published a copy of the proposed Joint Resolution as required.