RESOLUTION NO. _____ ESTABLISHING A REGIONAL PORT AUTHORITY

A JOINT CITY-COUNTY RESOLUTION PURSUANT TO 7-14-1102, MCA, CREATING A REGIONAL PORT AUTHORITY PURSUANT TO MONTANA STATE LAW, TO BE KNOWN AS THE SWEET GRASS COUNTY PORT AUTHORITY (SGPA) AND CREATING A BOARD OF DIRECTORS.

WHEREAS, on ~~June~~ July 20, 2026, the Sweet Grass County Board of County Commissioners and the City of Big Timber published notice of its intent to create a joint local port authority pursuant to Montana law, to be known as the Sweet Grass County Port Authority. This Resolution sets forth the governing bodies' intent and initial establishment of the Port Authority.

Section 1. Findings and Purpose

1.1 The Board of County Commissioners of Sweet Grass County ("County") and the City Council of the City of Big Timber ("City") find that promoting economic development activities benefits local residents, businesses, and the regional economy.

1.2 The County and City desire to jointly establish a Port Authority for the purposes set forth in 14-1104, MCA (2025).

1.3 The governing bodies intend to create a flexible structure that empowers a local Board of Port Authority Commissioners to adopt bylaws, pursue grants, and coordinate stakeholders, however the Board shall not have authority to obligate County or City general funds.

2 Section 2. Establishment; Name; Jurisdiction

2.1 Pursuant to applicable Montana law, and provisions governing port authorities, the County and City hereby establish a joint port authority, the geographic scope of which shall include the incorporated limits of Big Timber and the unincorporated areas of Sweet Grass County.

2.2 The Authority may coordinate with adjacent jurisdictions and state/federal agencies, when needed but shall not increase or decrease its jurisdictional area without consent of the local governments and having first made provisions for retention or disposition of any of the assets and/or liabilities of the port authority.

Section 3. Corporate Status and Powers

3.1 The Authority is a public body corporate and politic, with powers necessary and convenient to carry out its purpose, including those powers set forth in 7-14-111, MCA.

3.2 The Authority shall not exercise eminent domain, levy taxes, or incur bonded indebtedness without written approval by both governing bodies and, if required by law, a vote of the electorate.

3.3 The Authority shall be governed by a Board of Commissioners who shall adopt bylaws for its governance, consistent with Title 7, Chapter 14, Part 1100 et seq.

Section 4. Board of Directors/Port Authority Commissioners

4.1 Pursuant to 7-14-1101(2), the Board of County Commissioners and the Big Timber City Council shall by resolution provide for the organization of a regional port authority board and initially appoint a board of not less than five port authority Directors (Statutorily referred to as "Commissioners".

4.2 The County and City believe an initial board of nine persons should be appointed for a joint Port Authority Board, with the County Commissioners appointing six (6) members and the City Council appointing three (3) members. The Board of Directors should collectively bring experience in agriculture, small business, manufacturing, transportation, logistics, finance, law, planning, or economic development.

4.3 Residency preference is given to Sweet Grass County and Big Timber residents; one director may be nonresident if expertise is warranted.

4.4 The initial terms shall be staggered to promote continuity and thereafter shall be three years, with eligibility for reappointment.

4.4.1 The County Commissioners hereby appoint the following initial Port Authority Commissioners:

_____, initial one year term
_____, initial one year term
_____, initial two year term
_____, initial two year term
_____, initial three year term
_____, initial three year term

4.4.2 The City Council hereby appoints the following Port Authority Commissioners:

_____, initial one year term
_____, initial two year term
_____, initial three year term

4.3 The Port Authority Board of Commissioners shall adopt bylaws to govern its operations and shall include requirements for the election of officers, voting rights, quorum, meeting procedures, removal of board members, compensation and other necessary governance measures.

4.4 Vacancies shall be filled by the respective appointing authority, based on applications for appointment, and the Board of Directors may make recommendations for board members with qualifications that would bring the diversity of knowledge and experience needed for the Board.

4.5 Port Authority Commissioners are to serve without salary but may be reimbursed for reasonable, pre-approved expenses as authorized by Board policy and available funds.

Section 5. Transparency, Ethics, and Compliance

5.1 The Authority and Board shall comply with Montana open meetings and public participation laws, ethics/conflict-of-interest rules, and public records requirements.

5.2 Port Authority Commissioners shall disclose conflicts of interest and recuse themselves when appropriate. The Board shall adopt policies on procurement, financial controls, and recordkeeping consistent with state law.

Section 6. Functions and Activities

6.1 The Authority may undertake those powers and purposes set forth in 7-14-1104 and 7-14-1111, as well as other powers permitted under Montana law, subject to any restrictions herein. The Port Authority should include the following purposes and activities in its strategic plan:

- Participation in efforts that attract new businesses and measures that assist existing businesses;
- Promotion of diversification of county tax base;
- Assist the Crazy Mountain Collective, the Chamber of Commerce and other non-profits engaged in improving the economy and the quality of life for residents and visitors;
- Engage in planning for community needs;
- Preparation of grant applications (state/federal/private) and administration of awarded funds for purposes consistent with the powers of the Port Authority;

- Entering MOUs or interlocal agreements with local, state, tribal, and federal partners;
- Establishment of user fees, leases, and service charges to support Authority functions;
- Outreach and stakeholder engagement;
- Adoption and periodic update of a Port Authority Strategic Plan.

Section 7. Funding and Budget

7.1 The Port Authority may request funds from the governing bodies pursuant to 7-14-1131, MCA; however, this Resolution does not obligate the County and/or City to appropriate funds for the Authority. The Sweet Grass County Board of County Commissioners and the Big Timber City Council each have sole discretion to determine whether to appropriate or levy funds.

7.2 The Port Authority may seek cooperation and assistance from the County or City, as permitted under 7-1105; however, the governing bodies expect that the SGPA will pursue grants and other sources of funding to maintain its operations and to fulfill the purposes set forth herein and pursuant to the bylaws of the SGPA;

7.3 The Authority may operate using grants, donations, fees, lease revenues, sponsorships, and in-kind support, pursuant to the terms of such financial support, the SGPA bylaws and Montana law.

7.4 Any request for County or City appropriations must be separately considered and approved by the respective governing body as part of its budget process.

7.5 The Board shall annually adopt a budget as funds are available and provide an annual report to the County and City.

Section 8. Property and Contracting

8.1 The Authority may enter contracts, receive or lease property, and issue RFPs/RFQs as necessary, subject to any requirements set forth in Title 7, Chapter 15, Part 11, or as required by county and state procurement requirements.

8.2 Title to real property acquired by the Authority shall be held in the Authority's name unless otherwise specified by agreement.

Section 9. Financial Limitations (Safeguards)

9.1 The Authority shall not levy taxes or special assessments.

9.2 The Authority shall not incur debt obligations (including loans, notes, or bonds) unless:

9.3 Approved by either the County and City, as may be necessary based on the type of indebtedness;

9.4 SGPA is compliant with all applicable statutes and fiscal policies and such bonded indebtedness is submitted to the electorate, if required by law.

9.5 SGPA may accept grants and expend funds consistent with grant terms, provided that no local match is required unless the Port Authority has the match funds in hand, or such match is separately approved by the County and/or City.

Section 11. Interlocal Agreement

11.1 This Resolution constitutes an Interlocal Agreement between the County and City.

11.2 The SGPA, acting through its Board, is designated to administer the Agreement.

11.3 The Agreement remains in effect until terminated per Section 12.

11.4 As set forth herein, the SGPA should seek to be self-funded through grants and operating revenues. While the SGPA may request financial support from the County or City, this resolution does not authority mandatory County/City funding.

11.5 Upon termination, assets and liabilities shall be allocated based on origin of funds and legal restrictions, or as otherwise approved by mutual agreement of the County and City.

Section 12. Amendment; Withdrawal; Termination

12.1 The Sweet Grass Board of County Commissioners and the Big Timber City Council retain all authority to amend any provisions of this resolution or creation of the port authority, including but not limited to its membership, powers, purposes and reorganization or dissolution of the port authority.

12.2 If one of the governing bodies that formed this regional port authority wishes to withdraw from the agreement, the governing bodies shall determine whether and how to allocate any assets and liabilities and necessary amendments to the Port Authority resulting therefrom.

WHEREAS, the Sweet Grass Board of County Commissioners and the City of Big Timber held a joint public hearing on its intent to create a port authority to gather public input regarding the creation of a port authority on ~~June~~ July 20 2026;

NOW, THEREFORE, BE IT RESOLVED:

1. Pursuant to the authority vested in the Sweet Grass Board of County Commissioners and the Big Timber City Council under 7-4-1101 and 7-4-1102, MCA, this Resolution to establish a port authority is hereby adopted.
2. The SGPA shall establish bylaws within one month of the passage of this resolution;
3. The SGPA shall have the powers, authority and obligations set forth herein;

4. The SGPA board shall hire a part time economic development director;
5. The Sweet Grass Board of County Commissioners and the Big Timber City Council retain the ability to revise, amend, reconfigure and dissolve the SGPA. Any powers or authority granted to the SGPA shall not preclude the Board of County Commissioners or the Big Timber City Council from exercising those same powers.

THIS RESOLUTION WAS PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SWEET GRASS COUNTY this ___ day of June 2026.

_____
JV MOODY, Chair, County Commissioner

_____
BILL WALLACE, County Commissioner

_____
MELANIE ROE, County Commissioner

ATTEST:

_____
Dawn Curry, Clerk & Recorder

AYE: ____
NAY: ____

THIS RESOLUTION WAS PASSED AND ADOPTED BY THE BIG TIMBER CITY COUNCIL this 20 day of ~~June~~ July 2026.

_____
Leonard Woehler

_____
Kerri Baird

_____
Jeff Davis

_____
Mike Duval

_____
Justin Ferguson, Mayor