

The Following document contains excerpts from Montana Code Annotated 2019 Title 76 Land Resources and Use Chapter 6 aka. "Open-Space Land and voluntary Conservation Easement Act."

The intent of this document is to help provide criteria for vetting expenditures of 2018 Missoula Open Space Bond funds on capital improvement projects. Only sections from MCA76.6 relating to use of Bond funds for implementing capital improvement projects are cited and/or highlighted in this document.

76-6-104. Definitions. The following terms whenever used or referred to in this chapter shall have the following meanings unless a different meaning is clearly indicated by the context:

- (1) "Comprehensive planning" means planning for development and shall include:
 - (a) preparation of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, including transportation facilities, together with long-range fiscal plans for such development as a guide for long-range development;
 - (B) Programming and financing plans for capital improvements;
 - (c) Coordination of all related plans and planned activities at both the intragovernmental and intergovernmental levels; and
 - (D) Preparation of regulatory and administrative measures in support of the foregoing.
- (3) "Open-space land" means any land which is provided or preserved for:
 - (a) park or recreational purposes;
 - (b) Conservation of land or other natural resources;
 - (c) Historic or scenic purposes; or
 - (D) Assisting in the shaping of the character, direction, and timing of community development.
- (4) "Public body" means the state, counties, cities, towns, and other municipalities.
- (5) "Qualified private organization" means a private organization:
 - (a) Competent to own interests in real property;
 - (b) Which qualifies and holds a general tax exemption under the federal Internal Revenue Code, section 501(c); and
 - (c) Whose organizational purposes are designed to further the purposes of this chapter?
- (6) "Urban area" means any area which is urban in character, including surrounding areas which form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

76-6-106. Acquisition and designation of real property by public body. To carry out the purposes of this chapter, any public body may:

(1) acquire by purchase, gift, devise, bequest, or grant title to or any interests or rights in real property, including land and water, that will provide a means for the preservation or provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interest, or both;

(2) designate any real property, including land and water, in which it has an interest to be retained and used for the preservation and provision of significant open-space land or the preservation of native plants or animals, biotic communities, or geological or geographical formations of scientific, aesthetic, or educational interests, or both.

76-6-109. Powers of public bodies -- county real property acquisition procedure maintained.

(1) A public body has the power to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:

(a) To borrow funds and make expenditures necessary to carry out the purposes of this chapter;

(b) To advance or accept advances of public funds;

(c) to apply for and accept and use grants and any other assistance from the federal government and any other public or private sources, to give security as may be required, to enter into and carry out contracts or agreements in connection with the assistance, and to include in any contract for assistance from the federal government conditions imposed pursuant to federal laws as the public body may consider reasonable and appropriate and that are not inconsistent with the purposes of this chapter;

(d) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter;

(e) in connection with the real property acquired or designated for the purposes of this chapter, to provide or to arrange or contract for the provision, construction, maintenance, operation, or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities or structures that may be necessary to the provision, preservation, maintenance, and management of the property as open-space land;

(f) to insure or provide for the insurance of any real or personal property or operations of the public body against any risks or hazards, including the power to pay premiums on the insurance;.....

76-6-110. Authorization and funding for planning commission.

(1) The state, counties, cities, towns, or other municipalities in an urban area, acting jointly or in cooperation, are authorized to perform comprehensive planning for the urban area and to establish and maintain a planning commission for this purpose and related planning activities.

(2) Funds may be appropriated and made available for the comprehensive planning. Financial or other assistance from the federal government and any other public or private sources may be accepted and utilized for the planning.