



**Hazard Mitigation Grant Program  
DR 4508 COVID**

Scott Miller  
Carbon County  
10 Oakes Ave South  
Red Lodge, MT 59068

Commissioner Scott Miller,

Congratulations, on behalf of Montana Disaster and Emergency Services (MT DES). Your application for financial assistance for the Floodplain Permitting project submitted under DR 4508 COVID Hazard Mitigation Grant Program has been approved in the amount of \$205,200.00. As a condition of this award, there is a cost match requirement in the amount of \$22,800.00 of non-Federal funds. The State of Montana is able to contribute **\$22,800.00 in Resiliency Dollars** towards that match requirement. You will see this reflected on the amended obligation page below. Please sign this document and return to us no later than June 10, 2024 so we can get this finalized before state fiscal year end.

The total approved award of \$228,000.00.

Before you request and receive any of the Federal funds awarded, you must establish acceptance of the award. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Agreement Articles (attached to this Award Letter)
- Obligor Document for Award (attached to this Award Letter)

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award. In order to establish acceptance of the award and its terms, please complete, sign and return the Obligor Document for Award to MT DES.

For additional assistance, please contact Amanda Avard at [amanda.avard@mt.gov](mailto:amanda.avard@mt.gov) or 406-202-4195.

Sincerely,

Delila Bruno  
Administrator  
Montana Disaster and Emergency Services

Cc: Cyrina Allen



**AGREEMENT ARTICLES**  
**Hazard Mitigation Grant Program**

**SUB-RECIPIENT:** Carbon County  
**PROGRAM:** Hazard Mitigation Grant Program  
**AGREEMENT NUMBER:** DR-4508-MT-04F

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## **Article 1 - DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex, age, disability, religion, or familial status, recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the [DHS Office of Civil Rights and Civil Liberties](#) (CRCL) by e-mail at [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov) or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
6. In the event courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

## **Article 2 - Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C Section 2409, 41 U.S.C. 4712, and 10 U.S.C. Section 2324, 41 U.S.C. Sections 4304 and 4310.

## **Article 3 - Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

## **Article 4 - USA Patriot Act of 2001**

Recipients must comply with requirements of the [Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act \(USA PATRIOT Act\)](#), which amends 18 U.S.C. Sections 175-175c.

## **Article 5 - Universal Identifier and System of Award Management (SAM)**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at [2 C.F.R. Part 25, Appendix A](#).

## **Article 6 - Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at [2 C.F.R. Part 200, Appendix XII](#), the full text of which is incorporated here by reference in the award terms and conditions.

#### **Article 7 - Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, (29 U.S.C. Section 794), as amended, which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

#### **Article 8 - Trafficking Victims Protection Act of 2000**

Recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended by 22 U.S.C. Section 7104. The award term is located at [2 C.F.R. Section 175.15](#), the full text of which is incorporated here by reference.

#### **Article 9 - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at [6 C.F.R. Part 17](#) and [44 C.F.R. Part 19](#)

#### **Article 10 - Terrorist Financing**

Recipients must comply with [E.O. 13224](#) and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

#### **Article 11 - SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the [SAFECOM](#) Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

#### **Article 12 - Procurement of Recovered Materials**

Recipients must comply with Section 6002 of the [Solid Waste Disposal Act](#), as amended by the [Resource Conservation and Recovery Act](#). The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 C.F.R. Part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

#### **Article 13 - Notice of Grant Opportunity Requirements**

All of the instructions, guidance, limitations, and other conditions set forth for this program are incorporated here by reference in the award terms and conditions. Recipients must comply with any such requirements set forth for this program.

#### **Article 14 - Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act, Pub. L. No. 96-517](#), as amended, and codified in 35 U.S.C. Section 200 et seq. All recipients are subject to the specific requirements governing the development, reporting,

and disposition of rights to inventions and patents resulting from federal financial assistance awards located at [37 C.F.R. Part 401](#) and the standard patent rights clause located at 37 C.F.R. Section 401.14.

### **Article 15 - Non-supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through nonfederal sources.

### **Article 16 - Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. Section 1352, which provides that none of the funds provided under an federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

### **Article 17 - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with the *Title VI of the Civil Rights Act of 1964* (42 U.S.C. Section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-peoplelimited> and additional resources on <http://www.lep.gov>.

### **Article 18 - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, (15 U.S.C. Section 2225a), recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, (15 U.S.C. Section 2225).

### **Article 19 - Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. Section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. Section 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981 [amendment](#) to Comptroller General Decision B-138942.

### **Article 20 - Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in [E.O. 13513](#), including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

### **Article 21 - Federal Debt Status**

Recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See [OMB Circular A129](#).)

### **Article 22 - False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of The False Claims Act (31 U.S.C. Section 3729-3733) which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. Section 3801-3812 which details the administrative remedies for false claims and statements made.)

### **Article 23 - Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at [2 C.F.R. Part 170, Appendix A](#), the full text of which is incorporated here by reference in the award terms and conditions.

### **Article 24 - Energy Policy and Conservation Act**

Recipients must comply with the requirements of The Energy Policy and Conservation Act (42 U.S.C. Section 6201) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

### **Article 25 - Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in [2 C.F.R. Part 200, Subpart E](#) may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

### **Article 26 - Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of [2 CFR part 3001](#), which adopts the Government-wide implementation ([2 CFR part 182](#)) of sec. 5152-5158 of the DrugFree Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 8101).

### **Article 27 - Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) [12549](#) and [12689](#), and [2 C.F.R. Part 180](#). These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

### **Article 28 - Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. Sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

### **Article 29 - Civil Rights Act of 1964 - Title VI**

Recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. Section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 [C.F.R. Part 21](#) and [44 C.F.R. Part 7](#).

### **Article 30 - Civil Rights Act of 1968**

Recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. Section 3601 et seq.), as implemented



by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See [24 C.F.R. Section 100.201](#).)

### **Article 31 - Best Practices for Collection and Use of Personally Identifiable Information (PII)**

Recipients who collect PII are required to have a publicly available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) as useful resources respectively.

### **Article 32 - Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities. (42 U.S.C. Sections 12101- 12213).

### **Article 33 - Age Discrimination Act of 1975**

Recipients must comply with the requirements of the *Age Discrimination Act of 1975* (Title 42 U.S. Code, Section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

### **Article 34 - Activities Conducted Abroad**

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

### **Article 35 - Acknowledgment of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

### **Article 36 - Assurances, Administrative Requirements, Cost Principles, and Audit Requirements**

DHS financial assistance recipients must complete either the OMB Standard Form) [Standard Form 424B Assurances - Non-Construction Programs](#), or [OMB Standard Form 424D Assurances - Construction Programs](#) as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the MT DES point of contact if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at [Title 2, Code of Federal Regulations, Part 200](#), and adopted by DHS at [2 C.F.R. Part 3002](#).

### **Article 37 - National Environmental Policy Act**

Recipients must comply with the requirements of the [National Environmental Policy Act](#) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

### **Article 38 - Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in [6 C.F.R. Part 19](#) and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

### **Article 39 - Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award.

### **Article 40 - Prior Approval for Modification of Approved Budget**

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA through MT DES where required by 2 C.F.R. Section 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first report you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

### **Article 41 - Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its sub-recipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA, through MT DES, to make proper disposition of the equipment pursuant to 2 C.F.R. Section 200.313.

### **Article 42 - MT DES Specific Acknowledgements and Assurances**

Sub-recipients must acknowledge and agree to comply with applicable provisions governing MT DES access to records, accounts, documents, information, facilities, and staff.

1. Sub-recipients must cooperate with any compliance reviews or compliance investigations conducted by MT DES.
2. Sub-recipients must give MT DES access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by MT DES regulations and other applicable laws or program guidance.
3. Sub-recipients must submit timely, complete, and accurate reports to the appropriate MT DES officials and maintain appropriate backup documentation to support the reports.
4. Sub-recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. The State of Montana shall not be liable for any reimbursement amount greater than the award amount available to each sub-recipient.
6. Failure of the Agency to accomplish Hazard Mitigation Grant Program objectives may result in the reduction or withholding of funds, or other action, as determined by MT DES.

MT DES has the right to seek judicial enforcement of these obligations.

### **Article 43 - Accruals**

As established within Montana Operations Manual Policy, accrual documentation is required of all sub-recipients by the Montana Department of Administration, State Financial Services Division, and must be submitted to MT DES no later than the second week of June, or as instructed by MT DES.

#### **Article 44 – Authorized Representative**

As evidenced by the signatures found in the Letter of Obligation, the Sub-Recipient Signatory Official agrees to appoint the Sub-Recipient Authorized Representative to act on behalf of Carbon County. This individual shall be duly authorized with all necessary powers with regard to the administration and oversight of the Floodplain Permitting Project awarded under the Hazard Mitigation Grant Program. The Catalog of Federal Domestic Assistance (CFDA) number associated with this grant is 97.039.

## Obligating Document for Award

AGREEMENT NUMBER:  DR-4508-MT-04F	SUB-RECIPIENT NAME AND ADDRESS:  Carbon County 10 Oakes Ave South Red Lodge, MT 59068	ISSUING STATE OFFICE AND ADDRESS:  Montana Disaster and Emergency Services P.O. Box 4789 1956 MT Majo Street Fort Harrison, MT 59636-4789
<b style="color: red;">AMENDMENT NUMBER: 1</b>		
NAME OF SUB-RECIPIENT AUTHORIZED REPRESENTATIVE:  Cyrina Allen	SUB-RECIPIENT AUTHORIZED MT REPRESENTATIVE CONTACT INFORMATION: Sara Hartley cyrinaa@co.carbon.mt.us State 1 <a href="mailto:Sara.Hartley@mt.gov">Sara.Hartley@mt.gov</a>	DES Authorized Organization Representative:  Hazard Mitigation Officer 406-446-1038 Ext. 406-417-9238
EFFECTIVE DATE OF THIS ACTION:  7/1/2023	METHOD OF PAYMENT:  EFT	NAME AND CONTACT INFORMATION OF MT DES GRANT COORDINATORS:  Sara Hartley (Sara.Hartley@mt.gov 406-417-9238)
FEDERAL AWARD AMOUNT: \$205,200.00  LOCAL MATCH AMOUNT: \$0.00  <b style="color: red;">STATE RESILIENCY DOLLARS: \$22,800.00</b>  TOTAL PROJECT COST: \$228,000.00		PERIOD OF PERFORMANCE: From: 8/25/2022 To: 8/25/2025  Budget Period: From: 8/25/2022 To: 8/25/2025
ASSISTANCE ARRANGEMENT:  Cost Reimbursement	CFDA #:  97.039	
SUB-RECIPIENT SIGNATORY OFFICIAL (Name and Title)		DATE
SUB-RECIPIENT AUTHORIZED REPRESENTATIVE (Name and Title)		DATE

MT DES SIGNATORY (Name and Title)	DATE
Jake Ganieany, Response/Recovery/Mitigation Bureau Chief, Authorized Organizational Representative	

Notice of Public Hearing  
Ordinance 2024-01  
Administration of Resort Tax  
Red Lodge Mountain Resort Area

The Board of County Commissioners for Carbon County will meet in the Commissioner's Room in the Administration Building located at 17 W 11<sup>th</sup> St. in Red Lodge, Montana, on May 21, 2024 starting at 11:00 A.M., and again on June 4, 2024, at 11:00 A.M., for the purpose of adoption of Ordinance 2024-01, Administration of Resort Tax for the Red Lodge Mountain Resort Area. (MCA 7-6-1505).

Copies of the Ordinance are available at the Commissioners Office Clerk and Records Office.

Scott C. Miller, Presiding Officer  
Carbon County Commission

ATTEST:

Macque L. Bohleen  
Clerk and Recorder

(publish October 30, Nov. 6, 7, & 14 2008; legal section)



# BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

Post Office Box 887  
Red Lodge, MT 59068

Phone: (406) 446-1595  
Fax: (406) 446-2640

## ORDER 2024-01

### **ADMINISTRATION OF THE RESORT TAX FOR THE RED LODGE MOUNTAIN RESORT AREA IN CARBON COUNTY PURSUANT TO THE PASSAGE OF SAID TAX BY THE VOTERS IN THE AREA**

BE IT ENACTED by the board of Commissioners of Carbon County Montana, that the resort area described below shall be subject to a resort tax as described below:

**Township 7 South, Range 20 East:** All of Sections 30 and 31; the south half of Sections 32 and 33; and that portion of Section 34 lying West of and adjacent to U.S. Highway 212, and excluding any property within the city limits of the City of Red Lodge, Montana; and

**Township 8 South, Range 20 East:** All of Sections 5, 6, and 7, and that portion of Sections 4, 8, and 9 lying West of, and adjacent to U.S. Highway 212; and

**Township 7 South, Range 19 East:** All of Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36; and

**Township 8 South, Range 19 East:** All of Sections 1, 2, 3, 10, 11, and 12.

### **TAXATION RATE AND PURPOSES**

The rate of the tax shall be three percent and shall be imposed and collected on the sale of all food and beverage and other retail sales within the Resort Area. Sales of lift tickets (both on premise and online) shall be taxed AT 2% for the first five (5) years and increase to 3% in year six (6). Proceeds from the rental of rooms, services and equipment shall not be subject to the tax.

The tax shall be collected on May 31st of each year. If May 31st falls on a weekend or holiday, then the tax shall be collected on the first work day thereafter.

The purposes, in order of priority, that may be funded by the Resort Tax revenue are:

1. Improving and maintaining the state secondary highway, commonly referred to as the "Ski Run Road", from the Westfork Road to the Red Lodge Mountain Resort; then

2. Improving and maintaining the Westfork Road from the exterior boundary of the City of Red Lodge to the Ski Run Road; then
3. Improving and maintaining the Westfork Road to its intersection with the Ski Run Road; then
4. Improving and maintaining the public water and sewer systems and public parking lot and other open space areas at the Red Lodge Mountain Resort; then
5. Improving and maintaining public safety services, including but not limited to the purchase of ambulances, fire trucks and the like.

### **COLLECTION PROCEDURES**

On or before May 31<sup>st</sup> of each year, all entities within the Resort Area which are subject to the taxation described above shall provide to the Carbon County Treasurer and the Board of County Commissioners an accounting of gross proceeds subject to the tax and shall pay to the Carbon County Treasurer the percentage of said proceeds described above.

The Carbon County Treasurer shall treat all financial data obtained from the tax paying entities as confidential and privileged information belonging solely to the tax paying entity.

The Carbon County Treasurer shall deposit all funds collected pursuant to this Ordinance in a special account which account shall be drawn upon by the Board of Commissioners and spent only for the purposes and in the order of priority described above.

### **PENALTIES**

If Carbon County prevails in a suit for the collection of resort taxes, it shall be awarded damages, in addition to the actual amount of taxes due, plus an amount not to exceed 50% of the resort taxes found due plus the costs and attorney fees incurred by the governing body in the action pursuant to § 7-6-1505, Mont. Code Ann.

### **ADMINISTRATION COSTS**

Each taxpaying entity may withhold up to 5% of the resort taxes collected to defray their costs for the administration of the tax collection.

ORDER 2024-01: ADMINISTRATION OF THE RESORT TAX FOR THE RED LODGE MOUNTAIN RESORT AREA IN CARBON COUNTY PURSUANT TO THE PASSAGE OF SAID TAX BY THE VOTERS IN THE AREA



**EFFECTIVE DATE**

If passed, this Ordinance shall take effect on the Fifth day of July, 2024.

This Ordinance shall cease to be effective on May 1,

First Reading: May 21, 2024.

Adopted:  Yes       No

Second Reading, June 4, 2024.

Adopted:  Yes       No

Passed and approved this 4<sup>th</sup> day of June, 2024.

Carbon County Commissioners

Scott C. Miller  
Commissioner Dist. #1

Scott Blain  
Commissioner Dist. #2

Bill E. Bullock  
Commissioner Dist. #3

ATTEST:

Macque L. Bohleen, Clerk and Recorder

ORDER 2024-01: ADMINISTRATION OF THE RESORT TAX FOR THE RED LODGE MOUNTAIN RESORT AREA IN CARBON COUNTY PURSUANT TO THE PASSAGE OF SAID TAX BY THE VOTERS IN THE AREA