

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 24- 58

Resolution to Grant Tax Abatement to Phillips 66 Company on Class Eight Property

WHEREAS, pursuant to Section 15-6-138(4)(b) of the Montana Code Annotated, if an owner of class eight property applies for a tax abatement on the property to a board of county commissioners, the board must approve the abatement. Attached is a copy of the statute. For the first five years, the tax on the property is abated at 80, 90 or 100 percent. *Id.* For the next five years, the tax on the property is increased until the property is fully taxed. *Id.* Pursuant to Section 15-6-138(6)(d) of the Montana Code Annotated, the only discretion a board has with the tax abatement is the percentile of the abatement during the initial five-year period of the abatement. The board can approve an 80, 90 or 100 percent abatement for the period. *Id.* If a board does not act upon an application, the application is deemed approved at 100 percent of the abatement during the period. *Id.*

WHEREAS, pursuant to Section 15-6-138(6)(b) of the Montana Code Annotated, for a board of county commissioners to grant a tax abatement on class eight property, it should pass a resolution of intent to hold a public hearing, publish notice of the public hearing, receive public comment, hold a public hearing and pass a resolution.

WHEREAS, the Yellowstone County Board of County Commissioners received an application from Phillips 66 Company, that owns class eight property, for a tax abatement on the property. Attached is a copy of the application. The Board reviewed the application. Phillips 66 Company appeared to meet the requirements to receive an abatement. The application was timely submitted and appears to encompass class eight property. Pursuant to 15-6-138(4)(b), the Montana Department of Revenue has the ability to examine the books and records of the company to verify that the subject property meets the requirements of the abatement.

WHEREAS, on March 12, 2024, the Yellowstone County Board of County Commissioners passed a resolution of intent to approve a tax abatement for the class eight property of Phillips 66 Company and set a public hearing on the adoption for March 25, 2024. On March 15, 2024 and March 22, 2024, the Yellowstone County Clerk and Recorder published notice of the public hearing in the *Yellowstone County News*. On March 25, 2024, the Board held a public hearing on the abatement. The Board heard comments on the abatement. The Board considered the comments. The Board determined CHS met the requirements to receive the abatement and _____ percent tax abatement would be appropriate for the initial five-year period.

NOW THEREFORE, BE IT RESOLVED,

Pursuant to Section 15-6-138(4)(b) of the Montana Code Annotated, the Yellowstone County Board of County Commissioners approves a tax abatement on the class eight property owned by Phillips 66 Company as indicated in the application. Phillips 66 Company meets the requirements to receive the abatement and the percentile of the abatement during the initial five-year period is _____ percent. The Department of Revenue retains the final determination of the amount of property that qualifies as class 8 property subject to the abatement and can reduce the amount of qualifying property if it determines that portions of the property contained in the application do not qualify for abatement under MCA 15-6-138.

Passed and Adopted on the 25th day of March 2024.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chair

Mark Morse, Member

Donald W. Jones, Member

ATTEST:

Jeff Martin, Clerk and Recorder

Attachments

Statute
Application
Application Spreadsheet