

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Missoula County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF MISSOULA COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PRESERVING OPEN SPACE IN MISSOULA COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN, IN THE AMOUNT OF TEN MILLION AND NO/100 DOLLARS (\$10,000,000.00)" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on June 29, 2006, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Bill Carey, Jean Curtiss and Barbara Evans; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 29th day of JUNE, 2006.

Vickie M Zeier
County Clerk and Recorder



Missoula County Vickie M Zeier RES

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RESOLUTION NO. 2006- 093

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF MISSOULA COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PRESERVING OPEN SPACE IN MISSOULA COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN, IN THE AMOUNT OF TEN MILLION AND NO/100 DOLLARS (\$10,000,000.00).

RECITALS

WHEREAS, a county as a public body is authorized pursuant to Section 76-6-109, M.C.A., to issue and sell general obligation bonds in the manner and within the limitations prescribed by applicable laws of Montana for the purpose of acquiring open space land consistent with the provisions of Title 76, Chapter 6, Part 1, M.C.A. (the "Act"); and

WHEREAS, Section 76-6-104, M.C.A., defines open space land as any land which is provided or preserved for: park and recreational purposes; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development; and

WHEREAS, a county is authorized pursuant to Section 7-7-2203, M.C.A., to issue general obligation bonds pledging the general credit of the county for that purpose upon approval of the electorate of the county, provided that such indebtedness and all other indebtedness of the county does not exceed \$77,966,281; and

WHEREAS, a board of county commissioners is authorized pursuant to Section 7-7-2222, M.C.A., to call a bond election by adopting a resolution to that effect; and

WHEREAS, the Missoula County Open Lands Working Group (the "Open Lands Working Group") was created in June of 2005 to serve as a citizens advisory board to Missoula County regarding the preservation of open space and related issues in Missoula County; and

WHEREAS, the Open Lands Working Group has met regularly since that time to consider options available for the preservation of open space and to make recommendations relating thereto to the County; and

WHEREAS, the Open Lands Working Group unanimously recommended that the Board submit to the electors of the County the question of whether the County should be authorized to issue general obligation bonds in an amount of up to \$20,000,000, for the purpose of preserving open space in Missoula County (the "Open Space Bonds"); and

WHEREAS, an opinion poll was conducted throughout the County, the results of which indicate widespread support for the issuance by the County of general obligation bonds for the preservation of open space and open land; and

WHEREAS, an open space task force consisting of representatives of the City of Missoula (the "City") and the County have recommended an Open Space-Open Lands Vision Statement, which has been approved by the Board of County Commissioners (the "Board"); and



WHEREAS, it is proposed that the City and the County will enter into an Interlocal Agreement which would set forth the limitations and procedures for the expenditure of the proceeds of the Open Space Bonds, as more fully described in Section 8 hereof; and

WHEREAS, based on findings and recommendations of the Open Lands Working Group and after having conducted a public hearing thereon, it is the judgment of the Board that the sum of Ten Million and No/100 Dollars (\$10,000,000.00) is necessary to carry out the purposes set forth above; and

WHEREAS, the Board has determined that the issuance of general obligation bonds in the amount of \$10,000,000 will not cause the County to exceed its indebtedness limitation, which as currently calculated is \$77,966,281 ; and

WHEREAS, the Board has determined there should be submitted to the qualified electors of the County on November 7, 2006, the question of whether or not the Board shall be authorized to issue and sell general obligation bonds of the County for the purpose of preserving open space in Missoula County by purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term; and

WHEREAS, it is the judgment and determination of the Board that such bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable on any interest payment date after one-half of the term for which they are issued.

NOW, THEREFORE, BE IT RESOLVED by the Board of the County as follows:

1. Calling of the Election. The Board of the County hereby calls and directs a special County election to be held on November 7, 2006, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board be authorized to issue and sell general obligation bonds of the County, for the purpose of preserving open space in Missoula County by purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a

rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?

2. Conduct of Election. All qualified electors of the County shall be entitled to vote at the bond election. The Missoula County Election Administrator is hereby requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the County entitled to vote in the election in the County and to conduct the election in the form and manner prescribed by law. The Election Administrator shall prepare the ballot and arrange for the printing of the ballot.

3. Notice of Election. The Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least once a week for the three consecutive weeks before the election in the *Missoulian*, a newspaper of general circulation in the County. The notice of election as published shall read substantially as follows:

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NOTICE OF OPEN SPACE GENERAL OBLIGATION BOND ELECTION

Missoula County, Montana

November 7, 2006

NOTICE IS HEREBY GIVEN by the Board of County Commissioners (the "Board") of Missoula County, Montana (the "County"), that pursuant to a certain resolution duly adopted at a regular meeting of the Board on June 28, 2006, a special election of the registered voters of the County will be held on November 7, 2006, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board be authorized to issue and sell general obligation bonds of the County, for the purpose of preserving open space in Missoula County by purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?

The polling places for the election shall be the normal polling places for County residents during the general election and polls shall be open between the hours of 7:00 a.m. and 8:00 p.m.

Absentee ballots may be obtained at the office of the Missoula County Election Administrator at 200 West Broadway, Missoula, Montana from August 24, 2006 until 12:00 noon, November 6, 2007.


County Clerk and Recorder

Publish: October 17, 2006
 October 24, 2006
 October 31, 2006



4. Ballots. The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

5. Form of Ballot. The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT
MISSOULA COUNTY, MONTANA
OPEN SPACE BOND ELECTION
NOVEMBER 7, 2006

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue make an X or similar mark in the square before the words "BONDS--NO".

Shall the Board be authorized to issue and sell general obligation bonds of the County, for the purpose of preserving open space in Missoula County by purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?

☐ OPEN SPACE BONDS — YES

☐ OPEN SPACE BONDS — NO



6. That a copy of this resolution will be provided to the Election Administrator as soon as possible after its adoption and approval in order to inform him/her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

7. Open Space Bond Account; Use of Bond Proceeds. If authorized to issue and sell bonds for the purposes set forth in this resolution, the County will deposit the proceeds of such bonds, exclusive of accrued interest, in the Open Space Bond Acquisition Account, which shall be maintained and disbursed by the County and used for the authorized purposes, consistent with the requirements in Section 8 hereof, as may be further augmented by an Interlocal Agreement to be entered into between the City and County, and such additional resolutions or ordinances of the Board as it deems necessary.

8. Allocation of Proceeds; Interlocal Agreement. One half of the proceeds of the Bonds shall be allocated to the City for open space purposes in the Missoula Planning Region, as shown on Exhibit A as determined and approved by the governing body of the City. One half of the proceeds of the Bonds shall be allocated to the County for open space purposes in the area outside the Missoula Planning Region, including the Frenchtown/Huson, Lolo, Nine Mile, Evaro, Swan Lake, Seeley Lake, Potomac/Greenough, and Clinton/Turah Planning Areas, as determined and approved by the Governing Body of the County. The City has created an Open Space Advisory Council and the County will create an Open Lands Advisory Council, both of which will, among other things, recommend "open space projects" in their respective jurisdictional areas to the respective governing bodies. The governing bodies shall conduct a public hearing on the proposed projects prior to approval. Once an open space project is approved by the City Council, the project must be concurred in by the Board of County Commissioners before any expenditure of Bond proceeds can be made. Once approved, the County will fund the project from the Open Space Bond Acquisition Account.

9. Reimbursement Expenditures.

(a) The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the County for project expenditures paid by the County prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the County adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the



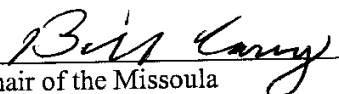
Regulations), no expenditures for the project have been paid by the County before the date 60 days before the date of adoption of this resolution.

(c) The County reasonably expects to reimburse the expenditures made for costs of the project out of the proceeds of bonds in an estimated maximum aggregate principal amount of \$10,000,000 after the date of payment of all or a portion of the costs of the project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

(d) As of the date hereof, there are no County funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the project, other than pursuant to the issuance of the bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.


(e) The County's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the bonds to reimburse the source of temporary financing used by the County to make prior payment of the costs of the project. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the bonds or the project and shall specifically identify the actual original expenditure being reimbursed.

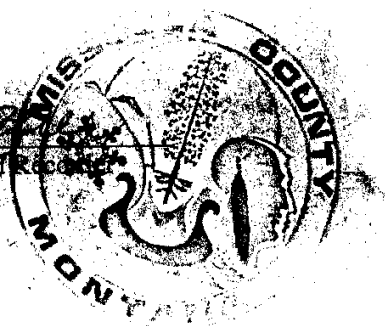
PASSED AND ADOPTED by the Board of County Commissioners of Missoula County, Montana, this 29th day of JUNE, 2006.

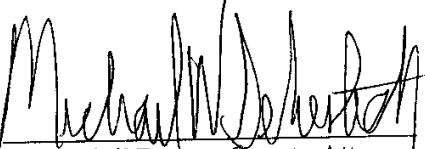

Chair of the Missoula
Board of County Commissioners

Attest:

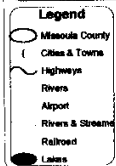
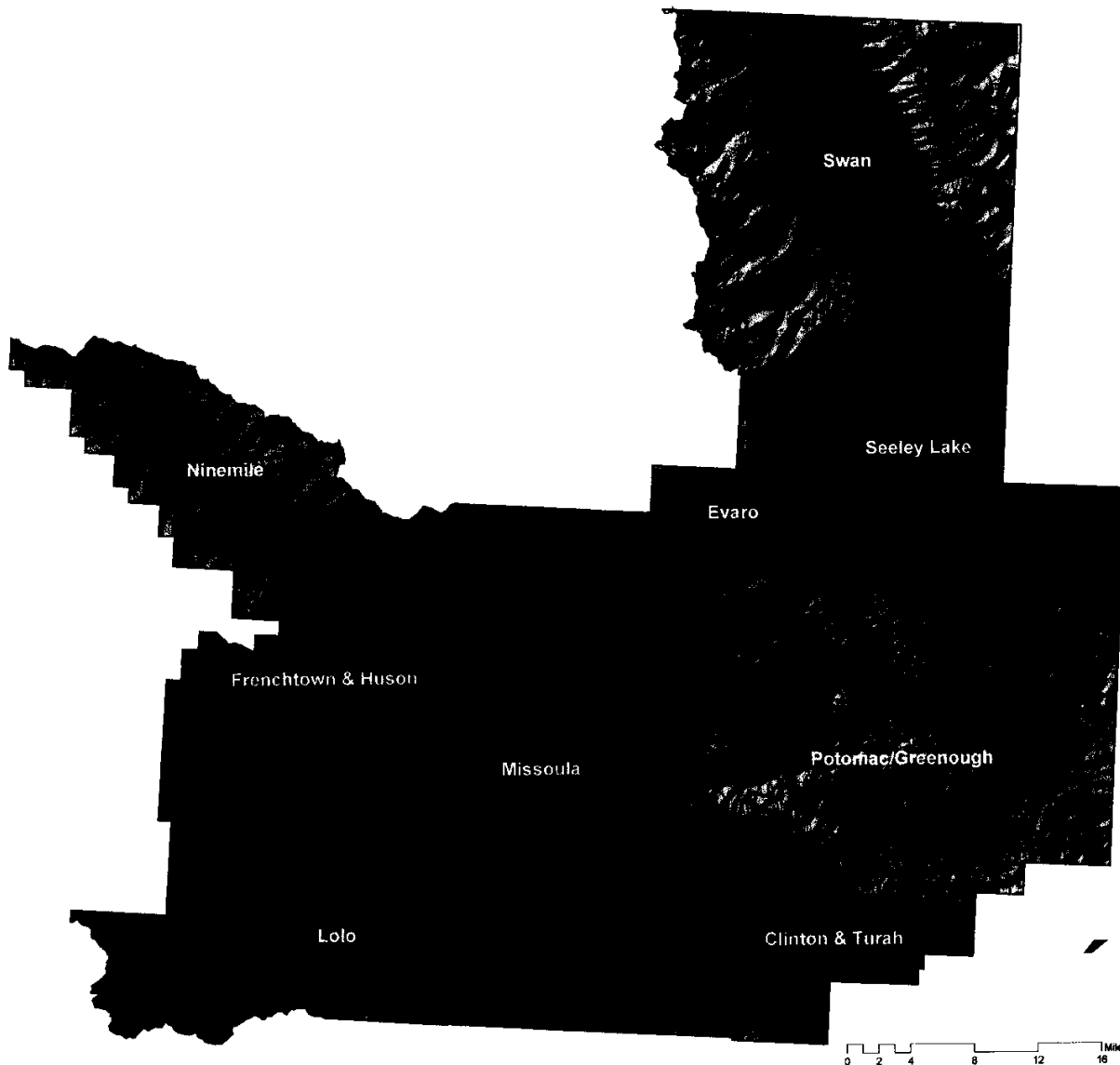
Approved as to Form and Content:


County Clerk and Recorder




Chief Civil Deputy County Attorney

Missoula County Planning Regions



Description

This map depicts the Planning Regions within Missoula County as of August 22, 2005. The Planning Regions are fundamentally based on NRCS watersheds. However, as Regional Plans are developed the boundaries may be readjusted to fit the nearest Census designated geographic boundary.

Sources: OPG, NRIS, NRCS, USGS

Map Prepared by: David Gray, Associate Planner, OPG

Date: 08/22/05

Filename: Planning_Region.mxd



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