

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 2018-111 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 OF THE COUNTY IN THE TOTAL PRINCIPAL AMOUNT OF UP TO FIFTEEN MILLION AND NO/100 DOLLARS (\$15,000,000.00) FOR THE PURPOSE OF CONSERVING, ENJOYING, AND ENHANCING OPEN-SPACE LANDS IN MISSOULA COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN" (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 July 9, 2018, 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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:

DAVID STROMHAUER, CHAIR, JEAN CURTISS, NICOLE ROWLEY

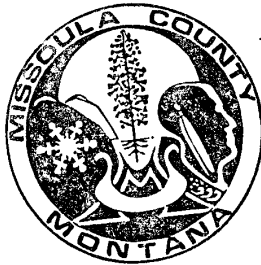
_____ ; voted against the

same: N/A ; abstained from voting

thereon: N/A ; or were

absent: N/A .

WITNESS my hand officially this 9th day of July, 2018.



Tyler R. Gernant
by [Signature] Chief Deputy
County Clerk and Recorder/Treasurer

RESOLUTION NO. 2018-111

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF MISSOULA COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS OF THE COUNTY IN THE TOTAL PRINCIPAL AMOUNT OF UP TO FIFTEEN MILLION AND NO/100 DOLLARS (\$15,000,000.00) FOR THE PURPOSE OF CONSERVING, ENJOYING, AND ENHANCING OPEN-SPACE LANDS IN MISSOULA COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN.

RECITALS

WHEREAS, a county as a public body is authorized pursuant to Section 76-6-109, M.C.A., to, among other things, 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 Title 7, Chapter 7, Part 22, 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 2.5% of the total assessed value of taxable property within the county as ascertained by the last assessment for state and county taxes; and

WHEREAS, a board of county commissioners is authorized pursuant to Section 7-7-2223, M.C.A., to call a bond election by adopting a resolution to that effect; and

WHEREAS, open-space land provides significant benefits to Missoula County citizens including ecosystem services and values such as clean air and water, health and wellness, education, recreation, relief from congestion and overcrowding, etc., and these benefits are available to all; and

WHEREAS, the Growth Policy adopted by the Board of County Commissioners (the "Board") of Missoula County, Montana (the "County") in 2016 is guided by the principle that the right to a clean and healthful environment is fundamentally important and the County's natural and cultural resources make this place unique and they should be conserved, enhanced, and enjoyed; and

WHEREAS, a goal of the Growth Policy is to conserve vital natural resources including surface and ground water, air quality, agricultural resources, iconic landscapes, fish and wildlife species and their habitats, and native plant communities, and another goal is to promote healthy, active communities; and

WHEREAS, the Missoula Urban Area Open Space Plan and 2006 Update of the 1995 Open Space Plan adopted by the City of Missoula (the "City") and Board prioritizes preservation of

open-space lands to protect important agriculture and soils, scenic open space, river corridors, working lands, trail corridors, wildlife habitat, and natural resources, including trees, clean water, and air quality; and

WHEREAS, the City and County have recently conducted significant public outreach through open houses, focus groups, and a statistically valid public opinion survey on Parks, Recreation, Open Space, and Trails, and the results indicate strong support among residents for protecting natural resources such as water and air quality, habitat, and providing river access, natural areas in which to recreate, and dirt and paved trails; and

WHEREAS, it is desirable 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 the amount of up to \$15,000,000 for the purpose of conserving, enjoying, preserving, and enhancing open-space lands; and

WHEREAS, it is agreed 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 bond proceeds; and

WHEREAS, it is the judgement of the Board that the principal sum of up to Fifteen Million and No/100 Dollars (\$15,000,000.00) is necessary to carry out the purpose set forth above; and

WHEREAS, the Board has determined that the issuance of general obligation bonds in the total principal amount of up to \$15,000,000 will not cause the County to exceed its indebtedness limitation, which as calculated using the fiscal year 2017 audited financial statements of the County is \$327,098,727.00; and

WHEREAS, the Board has determined there should be submitted to the qualified electors of the County on November 6, 2018, the question of whether the Board shall be authorized to issue and sell general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) for the purpose of providing funds to pay costs of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, by purchasing land, easements, or other interests in land from willing landowners and paying for improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit; and

WHEREAS, it is the judgement and determination of the Board that each series of such bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable on the 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 hereby calls and directs a special County election to be held on November 6, 2018, in conjunction with the general election, for the purpose of voting on the following question:

For the purpose of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, shall the Board of County Commissioners of Missoula County (the "County") be authorized to sell and issue general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) to pay the costs of purchasing land, easements, or other interests in land from willing landowners and of improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit?

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 three times, no earlier than 40 days and no later than 10 days before the date of the election in the *Missoulian*, a newspaper of general circulation in the County. The notice of election as published shall read substantially as follows:

NOTICE OF MISSOULA COUNTY OPEN SPACE GENERAL OBLIGATION BOND
ELECTION

Missoula County, Montana
November 6, 2018

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 July 9, 2018, a special election of the registered voters of the County will be held on November 6, 2018, in conjunction with the general election, for the purpose of voting on the following question:

For the purpose of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, shall the Board of County Commissioners of Missoula County (the "County") be authorized to sell and issue general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) to pay the costs of purchasing land, easements, or other interests in land from willing landowners and of improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit?

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 Fairgrounds Election Center, 1101 South Ave. W., Bldg 15, Missoula, Montana 59801, from October 9, 2018, until 12:00 pm noon, November 5, 2018. Electors who miss the close of registration deadline may register late at the Missoula County Fairgrounds Election Center, 1101 South Ave. W., Bldg 15, Missoula, Montana 59801, from October 10, 2018, through 12:00 pm (noon) on November 5, 2018, and November 6, 2018, from 7:00 am through 8:00 pm.

Tyler R. Gerrant
by  Chief Deputy
County Clerk and Recorder/Treasurer

Publish: September 16, 2018
September 23, 2018
September 30, 2018



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 MISSOULA COUNTY OPEN
SPACE GENERAL OBLIGATION BOND
ELECTION NOVEMBER 6, 2018

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".

For the purpose of conserving, enjoying, and enhancing open-space land, to include providing public access to water and land; conserving agricultural lands, fish and wildlife habitat, and rivers, lakes, and streams; protecting scenic views; and making improvements to lands acquired or designated as open space that are accessible to the public, shall the Board of County Commissioners of Missoula County (the "County") be authorized to sell and issue general obligation bonds of the County in one or more series in the aggregate principal amount not to exceed Fifteen Million and No/100 Dollars (\$15,000,000.00) to pay the costs of purchasing land, easements, or other interests in land from willing landowners and of improvements and costs related to or serving lands acquired or designated as open space, including transaction and project costs and fees, all with citizen input, and costs associated with the sale and issuance of the bonds, which bonds shall bear interest at a rate or rates to be determined at the time of sale, be payable semiannually during a term not to exceed twenty (20) years for each series of bonds, and be subject to the County annual independent audit?

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OPEN SPACE BONDS — YES

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OPEN SPACE BONDS — NO

6. Election Administrator. 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. If authorized to issue and sell bonds for the purpose 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. An interlocal agreement will be developed by the staff and approved by the governing bodies of the County and the City.

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.

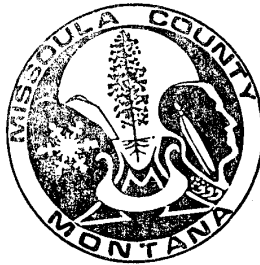
(b) Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning 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 projects identified in the above ballot 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 projects identified in the above ballot out of the proceeds of bonds in an estimated maximum aggregate principal amount of up to \$15,000,000 after the date of payment of all or a portion of the costs of such projects. 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 such projects, 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 Chief 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 such projects. 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 9th day of July, 2018.




Chair of the
Board of County Commissioners

Attest:

Tyler R Gerrant
 Chief Deputy
County Clerk and Recorder/Treasurer