

RESOLUTION NO. 2004-105

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF GALLATIN COUNTY, MONTANA THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF TEN MILLION DOLLARS FOR THE PURPOSE OF PRESERVING OPEN SPACE IN GALLATIN 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 issue and sell general obligation bonds in the manner and within the limitations prescribed by applicable laws of Montana for the purpose of acquiring or preserving 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 or 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: 1.4% of the total assessed value of taxable property, determined as provided in Section 15-8-111, M.C.A., 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(2)(a), M.C.A., to call a bond election by unanimously adopting a resolution to that effect; and

WHEREAS, the Gallatin County Open Lands Board (the "Open Lands Board") was created on November of 1998 to serve as a citizens advisory board to Gallatin County (the "County") regarding the preservation of open space and related issues in the County; and

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

WHEREAS, the voters of the County, at an election held on November 7, 2000, by a margin of approximately 57% to 43%, approved the issuance of \$10,000,000 of the County's Open Space General Obligation Bonds; and

WHEREAS, in October 2001, the County issued its \$3,800,000 Open Space General Obligation Bonds, Series 2001 and has spent the proceeds thereof for authorized Open Space purposes and financing costs; and

WHEREAS, the County issued its \$4,000,000 Open Space General Obligation Bonds, Series 2003 (the "Series 2003 Bonds") in April 2003 and has spent \$97,886 of the proceeds thereof for authorized Open Space purposes and financing costs and has commitments for the expenditure of an

additional \$2,440,000 of the Series 2003 Bond proceeds and expects the remaining \$1,462,114 amount of the Series 2003 Bond proceeds to be committed by the end of 2004; and

WHEREAS, the Board of County Commissioners anticipates issuing the remaining amount (\$2,200,000) of Open Space General Obligation Bonds, previously authorized by the County voters, in 2005; and

WHEREAS, the Board of County Commissioners has received information provided by the Open Lands Board and its coordinator, to indicate that by year-end 2005 there will be a need for County funding of an additional \$10,000,000 towards eligible Open Space projects and that the tax impact on the median County home valued at \$143,000 is estimated to be \$18 annually for the repayment of such additional Open Space Bonds; and

WHEREAS, the Open Lands Board has currently purchased or committed to purchasing land and conservation easements valued at approximately \$22,500,000, with the county contribution to these projects being approximately \$6,400,000 million and the remaining amount from landowner contributions and matching funds from other public and private sources; and

WHEREAS, the Open Lands Board commissioned a public opinion poll of the registered voters of the County to determine their support for additional Open Space bonds and the findings of that poll indicated overwhelming support for another bond measure; and

WHEREAS, the Open Lands Board has unanimously requested the Board of County Commissioners to support the preservation or acquisition of additional open space lands in the County by seeking voter approval of general obligation bonds in an additional amount of up to \$10,000,000, for the purposes defined in the Act, and paying costs associated with the sale of general obligation bonds and the purchase of property and conservation easements which bonds shall bear interest at a rate to be determine by the Board of County Commissioners, payable semiannually during a term of not to exceed twenty (20) years, with all expenditures based on recommendations of the Open Lands Board, after public comment, and subject to an independent audit; and

WHEREAS, based on findings and recommendations of the Open Lands Board, it is the judgment of the Board of County Commissioners that the sum of \$10,000,000 is necessary to carry out the purposes set forth above; and

WHEREAS, the Board of County Commissioners 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 \$59,610,972 (total assessed value of taxable property in the County, as of June 30, 2003, of \$4,257,926,539 times the statutory factor of 1.40%) since the County has existing general obligation indebtedness of \$11,327,158 and the existing authority to issue the additional \$2,200,000 of Open Space General Obligation Bonds referenced above; and

WHEREAS, the Board of County Commissioners has determined there should be submitted to the electors of the County qualified to vote at bond elections the questions of whether or not the Board of County Commissioners shall be authorized to issue and sell additional general obligation bonds of the County in an amount not to exceed \$10,000,000, for the purpose of acquiring or preserving "Open Space" in the County as defined in the Act and the proposed bonds shall bear interest at a rate to be determine by the Board of County Commissioners, payable semiannually during a term of not to exceed

twenty (20) years, and Open Space expenditures based on recommendations of the Open Lands Board (citizen's advisory committee), after public comment, and subject to an independent audit.

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

1. Calling of the Election. The Board of County Commissioners of the County hereby calls and directs a special County election to be held on November 2, 2004, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board of County Commissioners be authorized to issue and sell additional general obligation bonds of the County, in the amount of up to \$10,000,000, for the purpose of preserving "Open Space" as defined under Title 76, Chapter 6 M.C.A. (the "Act"), in Gallatin County by purchasing land and conservation easements from willing landowners to conserve farm and ranch lands, provide recreation, protect water quality of streams and rivers, manage growth, protect wildlife areas and for other purposes authorized under the Act and with all expenditures based on recommendations of the Open Lands Board (citizen's advisory committee), after public comment, and subject to an independent audit; which bonds shall bear interest at a rate to be determined by the Board of County Commissioners, payable semiannually during a term of not to exceed twenty (20) years?

2. Conduct of the Election. All qualified electors of the County shall be entitled to vote at the bond election. The Gallatin 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 Bozeman Chronicle, a newspaper of general circulation in the County. The notice of election as published shall read substantially as follows:

NOTICE OF OPEN SPACE GENERAL OBLIGATION BOND ELECTION  
Gallatin County, Montana  
November 2, 2004

NOTICE IS HEREBY GIVEN by the board of County Commissioners (the "Board") of Gallatin County, Montana (the "County"), that pursuant to a certain resolution duly adopted at the regular meeting of the Board on June 29, 2004, a special election of the registered voters of the County will be held on November 2, 2004, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board of County Commissioners be authorized to issue and sell additional general obligation bonds of the County, in the amount of up to \$10,000,000, for the purpose of preserving "Open Space" as defined under Title 76, Chapter 6 M.C.A. (the "Act"), in Gallatin County by purchasing land and conservation easements from willing landowners to conserve farm and ranch lands, provide recreation, protect water quality of streams and rivers, manage growth, protect wildlife areas and for other purposes authorized under the Act and with all expenditures based on recommendations of the Open Lands Board (citizen's advisory committee), after public comment, and subject to an independent audit; which bonds shall bear interest at a rate to be determined by the Board of County Commissioners, payable semiannually during a term of not to exceed twenty (20) years?

The polling places for the election shall be the normal polling places for County residents during the general election and the polls shall be open between the hours of 7:00 a.m. and 8:00 p.m., except for the polling places at Precinct 15 (Pass Creek School) at which polls shall be open between the hours of 12:00 p.m. and 8:00 p.m.

Absentee ballots may be obtained at the office of the Gallatin County Election Administrator at 311 West Main, Room 103, Bozeman, Montana until 12:00 noon November 1, 2004.

\_\_\_\_\_  
County Clerk and Recorder

Publish: \_\_\_\_\_, 2004  
          \_\_\_\_\_, 2004  
          \_\_\_\_\_, 2004

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  
GALLATIN COUNTY, MONTANA  
OPEN SPACE GENERAL OBLIGATION BOND ELECTION  
NOVEMBER 2, 2004

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 of County Commissioners be authorized to issue and sell additional general obligation bonds of the County, in the amount of up to \$10,000,000, for the purpose of preserving "Open Space" as defined under Title 76, Chapter 6 M.C.A. (the "Act"), in Gallatin County by purchasing land and conservation easements from willing landowners to conserve farm and ranch lands, provide recreation, protect water quality of streams and rivers, manage growth, protect wildlife areas and for other purposes authorized under the Act and with all expenditures based on recommendations of the Open Lands Board (citizen's advisory committee), after public comment, and subject to an independent audit; which bonds shall bear interest at a rate to be determined by the Board of County Commissioners, payable semiannually during a term of not to exceed twenty (20) years?

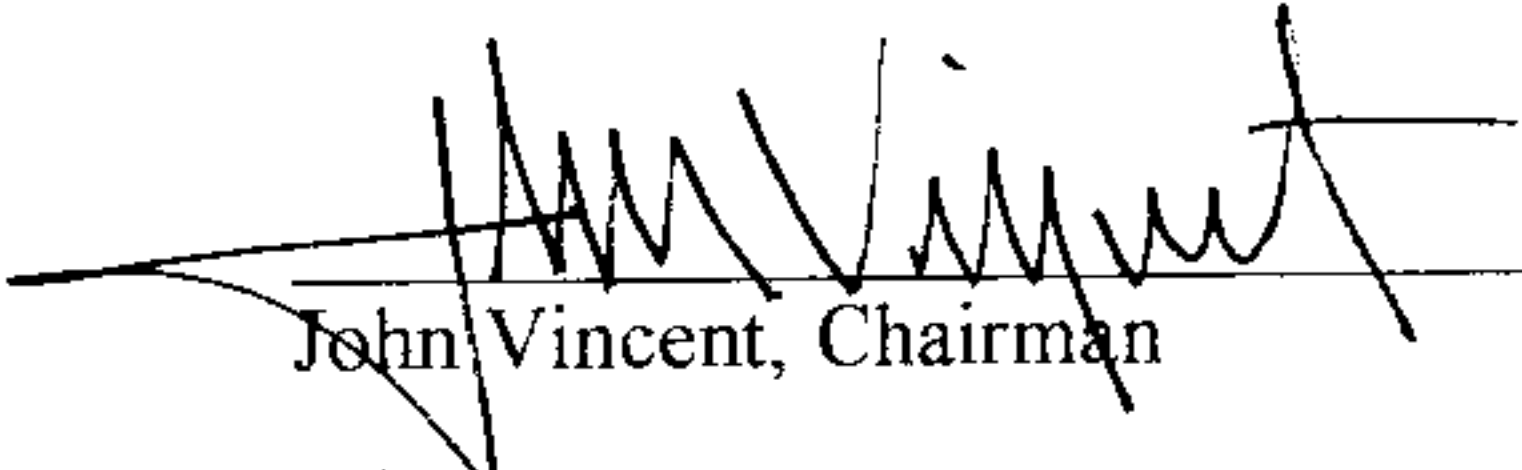
- OPEN SPACE BONDS – YES
- OPEN SPACE BONDS – NO


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 pertinent requests and authorizations as to the conduct of the election.

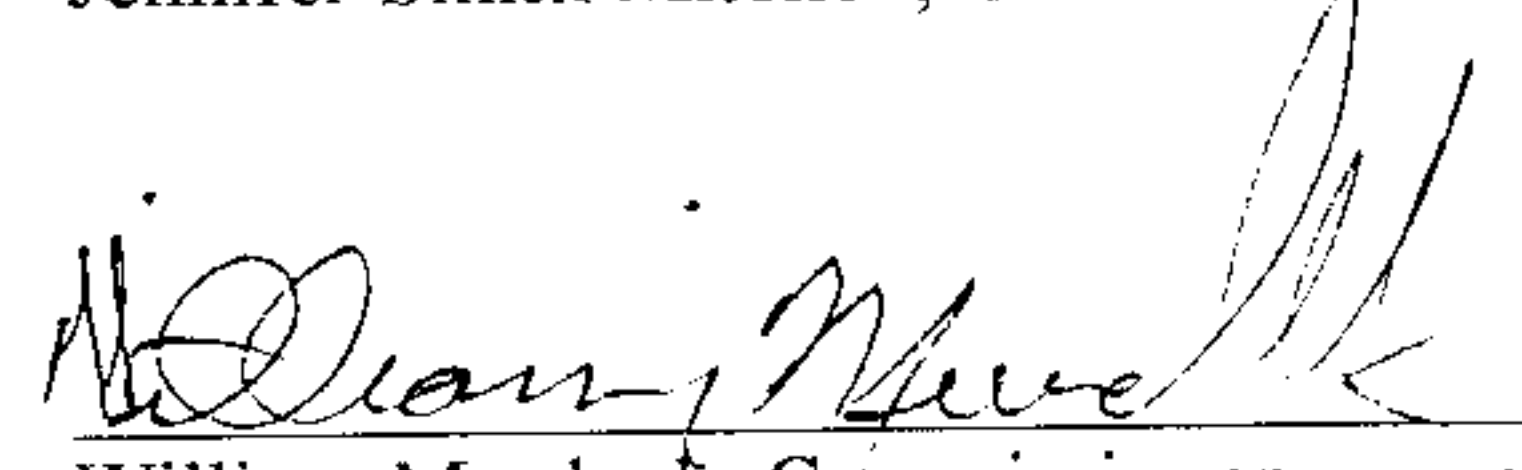
7. Open Space Bond Account: Use of Bond Proceeds. If authorized to issue and sell bonds for the purposes set forth in this resolution, the County will deposit the proceeds of such bonds, exclusive of accrued interest, in the Open Space Acquisition Bond Account, and used such proceeds for the authorized purposes, consistent with the requirements of Section 8 hereof, as may be further augmented by a subsequent resolution or ordinance of the Board of County Commissioners.

8. Procedure. Limitations and Expenditure of Open Space Bond Acquisitions Account. With respect to the expenditure of funds from the Open Space Bond Acquisition Account, the Board of County Commissioners hereby agrees and covenants that no expenditures will be made from the Open Space Bond Acquisition Account unless recommended by the Open Lands Board after public comment.

PASSED AND ADOPTED by the Board of County Commissioners of Gallatin County, Montana this 29<sup>th</sup> day of June 2004.

  
John Vincent, Chairman

  
Jennifer Smith Mitchell, Commissioner

  
William Murdock, Commissioner

Attest:

  
Shelly Vance, Clerk and Recorder