

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and appointed City Clerk of the City of Hamilton, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 1313 entitled: "A RESOLUTION OF THE CITY COUNCIL SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF HAMILTON, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF UP TO ONE MILLION THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$1,350,000.00) FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING PROPERTY ALONG NORTH 10TH STREET IN HAMILTON IMPROVED BY CLAUDIA DRISCOLL PARK AND THE NATIONAL GUARD ARMORY BUILDING AND RELATED IMPROVEMENTS AND MAKING PARK IMPROVEMENTS AT CLAUDIA DRISCOLL PARK, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council at a meeting on December 20, 2016, and that the meeting was duly held by the City Council 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notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.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 Council Members voted in favor thereof: Bell, Bielski, Martinez, Pogachar, West; voted against the same: Petrusaitis; abstained from voting thereon: None; or were absent: None.

WITNESS my hand and seal officially this 20th day of December, 2016.



Rose Mullen  
City Clerk

RESOLUTION NO. 1313

A RESOLUTION OF THE CITY COUNCIL SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF HAMILTON, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF UP TO ONE MILLION THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$1,350,000.00) FOR THE PURPOSE OF PAYING THE COSTS OF ACQUIRING PROPERTY ALONG NORTH 10TH STREET IN HAMILTON IMPROVED BY CLAUDIA DRISCOLL PARK AND THE NATIONAL GUARD ARMORY BUILDING AND RELATED IMPROVEMENTS AND MAKING PARK IMPROVEMENTS AT CLAUDIA DRISCOLL PARK, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS

BE IT RESOLVED by the City Council (the "Council") of the City of Hamilton, Montana (the "City") as follows:

Section 1. Recitals.

1.01. Authorization. A city is authorized pursuant to Section 7-7-4221, Montana Code Annotated, to issue general obligation bonds pledging the general credit of the city for the purpose of designing, constructing and equipping public buildings, upon approval of the electorate of the city, provided that such indebtedness will not cause the total indebtedness of the city to exceed 2.5% of the total assessed value of taxable property of the city, determined as provided in Section 15-8-111, Montana Code Annotated, ascertained by the last assessment for State and county taxes. A city council or commission is authorized pursuant to Section 7-7-4223, Montana Code Annotated, to call a bond election by adopting a resolution to that effect.

1.02. Proposed Project. The Council determines there should be submitted to the electors of the City qualified to vote at bond elections the question of whether the Council shall be authorized to sell and issue bonds of the City to obtain funds for the purpose of paying the costs of acquiring property along North 10th Street in Hamilton improved by Claudia Driscoll Park and the National Guard Armory Building and related improvements and making park improvements at Claudia Driscoll Park, and paying costs associated with the sale and issuance of the bonds, which bonds shall bear interest at rates to be determined at the time of sale, payable semiannually over a term not to exceed twenty years.

1.03. Debt Limitation. The Council has determined that the issuance of general obligation bonds up to the total principal amount of One Million Three Hundred Fifty Thousand and No/100 Dollars (\$1,350,000.00) will not cause the City to exceed its general obligation indebtedness limitation, which is currently calculated to be \$13,089,979 ( $\$523,599,140 \times 2.50\%$ ). The City has no general obligation bonds outstanding.

1.04. Election. The Council has determined there should be submitted to the electors of the City qualified to vote at bond elections the question of whether the Council shall be authorized to issue and sell general obligation bonds of the City to obtain funds for the purpose of paying the costs of acquiring property along North 10th Street in Hamilton improved by

Claudia Driscoll Park and the National Guard Armory Building and related improvements and making park improvements at Claudia Driscoll Park, and paying costs associated with the sale and issuance of the bonds.

1.05. Bonds. It is the judgment of the Council that the total principal amount of up to One Million Three Hundred Fifty Thousand and No/100 Dollars (\$1,350,000.00) in general obligation bonds will be necessary to carry out the purpose set forth above. It is also the judgment and determination of the Council that such general obligation bonds will be payable during a term not to exceed twenty (20) years.

Section 2. Calling of the Election. The City Council hereby calls and directs a special City election to be held on March 21, 2017, to be conducted in accordance with the provisions of Title 13, Chapter 19, Parts 1-3, Montana Code Annotated (the "Mail Ballot Act"), for the purpose of voting on the following question:

Shall the City Council of the City of Hamilton, Montana (the "City") be authorized to sell and issue general obligation bonds of the City in an aggregate principal amount not to exceed One Million Three Hundred Fifty Thousand and No/100 Dollars (\$1,350,000.00), bearing interest at rates to be determined at the time of sale and payable semiannually over a term not to exceed twenty years, for the purpose of paying the costs of acquiring property along North 10th Street in Hamilton improved by Claudia Driscoll Park and the National Guard Armory Building and related improvements and making park improvements at Claudia Driscoll Park, and paying costs associated with the sale and issuance of the bonds?

If this bond proposition is passed, it is estimated that, using current assessed values of taxable property in the City, for a 15-year bond issued in the full authorized principal amount, and bearing interest at an average annual interest rate of 4.50%, property taxes on a home valued at \$100,000 will increase by approximately \$17.89 per year and on a home valued at \$200,000 will increase by approximately \$35.78 per year.

Section 3. Conduct of Election. All qualified electors of the City shall be entitled to vote at the bond election. The City Clerk is hereby authorized and directed to give notice of the call and details of this election to the Ravalli County Election Administrator at least 85 days before the election. The Ravalli County Election Administrator is requested to give notice of the close of registration and thereafter prepare printed lists of the qualified electors in the City entitled to vote in the election in the City and to conduct the election in the form and manner prescribed by law and consistent with the Mail Ballot Plan.

Section 4. Notice of Election. The Ravalli County 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 election in the *Ravalli Republic*, a newspaper of general circulation in Ravalli County. The notice of election as published shall read substantially as shown on Exhibit A hereto (which is incorporated by reference and made a part hereof).

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

OFFICIAL BALLOT

GENERAL OBLIGATION BOND ELECTION  
CITY OF HAMILTON, MONTANA

MARCH 21, 2017

**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 City Council of the City of Hamilton, Montana (the “City”) be authorized to sell and issue general obligation bonds of the City in an aggregate principal amount not to exceed One Million Three Hundred Fifty Thousand and No/100 Dollars (\$1,350,000.00), bearing interest at rates to be determined at the time of sale and payable semiannually over a term not to exceed twenty years, for the purpose of paying the costs of acquiring property along North 10th Street in Hamilton improved by Claudia Driscoll Park and the National Guard Armory Building and related improvements and making park improvements at Claudia Driscoll Park, and paying costs associated with the sale and issuance of the bonds?

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- BONDS — YES
- BONDS — NO

Section 6. Notice to County Election Administrator. A copy of this Resolution will be provided to the Ravalli County Election Administrator as soon as possible after its adoption and approval in order to inform the Election Administrator of the details of the special election and the pertinent requests and authorizations as to the conduct of the special election.

7. 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 City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City 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 a project within the scope of this resolution have been paid by the City before the date 60 days before the date of adoption of this resolution.

(c) The City reasonably expects to reimburse the expenditures made for costs of such a project out of the proceeds of bonds in an estimated maximum aggregate principal amount of up to One Million Three Hundred Fifty Thousand and No/100 Dollars (\$1,350,000.00) after the date of payment of all or a portion of the costs of such a 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 City 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 a 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 City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.


(e) The City's Financial Administrator 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 City 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 City maintained for the bonds or the project and shall specifically identify the actual original expenditure being reimbursed.

PASSED by the City Council of the City of Hamilton, Montana, this 20th day of December, 2016.

CITY OF HAMILTON, MONTANA

  
\_\_\_\_\_  
Mayor

Attest:   
\_\_\_\_\_  
City Clerk



## EXHIBIT A

### NOTICE OF GENERAL OBLIGATION BOND ELECTION

NOTICE IS HEREBY GIVEN by the City Council (the "Council") of the City of Hamilton, Montana (the "City"), that pursuant to a certain resolution duly adopted at a regular meeting of the Council on December 20, 2016, a special city election of the registered voters of the City will be held on March 21, 2017, conducted by mail ballot, for the purpose of voting on the following question:

Shall the City Council of the City of Hamilton, Montana (the "City") be authorized to sell and issue general obligation bonds of the City in an aggregate principal amount not to exceed One Million Three Hundred Fifty Thousand and No/100 Dollars (\$1,350,000.00), bearing interest at rates to be determined at the time of sale and payable semiannually over a term not to exceed twenty years, for the purpose of paying the costs of acquiring property along North 10th Street in Hamilton improved by Claudia Driscoll Park and the National Guard Armory Building and related improvements and making park improvements at Claudia Driscoll Park, and paying costs associated with the sale and issuance of the bonds?

If this bond proposition is passed, it is estimated that, using current assessed values of taxable property in the City, for a 15-year bond issued in the full authorized principal amount, and bearing interest at an average annual interest rate of 4.50%, property taxes on a home valued at \$100,000 will increase by approximately \$17.89 per year and on a home valued at \$200,000 will increase by approximately \$35.78 per year.

The election will be conducted solely by mail ballot. Ballots will be mailed to all eligible registered voters in the City on March 2, 2017, and must be returned by each voter, to the Ravalli County Election Administrator's Office by mail to the Ravalli County Election Administrator, Ravalli County, 215 S 4th St, Suite C, Hamilton, Montana 59840, or in person to the Ravalli County Election Administrator, Ravalli County, 215 S 4th St, Suite C, Hamilton, Montana, during regular business hours (9:00 a.m. to 5:00 p.m.), weekdays (exclusive of holidays), March 3, 2017 through March 20, 2017.

On Election Day, March 21, 2017, the only place for deposit of voted ballots will be the office of the Ravalli County Election Administrator, Ravalli County Courthouse, 215 S 4th St, Suite C, Hamilton, Montana, which will be open from 8:00 a.m. to 8:00 p.m., and all ballots must be in that office by 8:00 p.m. on that day in order to be counted. All ballots will be tallied in the office of the Ravalli County Election Administrator on March 21, 2017 as required by law.

A qualified voter who will be absent from the City during the time the election is being conducted may:



(a) vote in person in the office of the Ravalli County Election Administrator as soon as the ballots are available and until noon on March 1, 2017; or

(b) make a written request prior to noon on March 1, 2017, signed by the applicant and addressed to the office of the Ravalli County Election Administrator, that the ballot be mailed to an address other than that which appears on the registration records. All ballots to be mailed will be mailed no later than March 2, 2017.

An elector may obtain a replacement ballot if his ballot is destroyed, spoiled, lost, or not received by the elector by personally appearing at the office of the Ravalli County Election Administrator and by:

(a) signing an affidavit form stating the reason for the request for replacement; and

(b) if the reason given for replacement is “spoiled ballot,” by returning the spoiled ballot to the office of the Ravalli County Election Administrator.

Late registration and voting are available through the office of the Ravalli County Election Administrator until 12 noon on March 20, 2017, and will resume on Election Day, March 21, 2017, from 8:00 a.m. until 8:00 p.m.

DATED this \_\_\_\_ day of \_\_\_\_\_, 201\_.

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Ravalli County Election Administrator

Publish:      February 19, 2017  
                  February 26, 2017  
                  March 5, 2017