

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an Ordinance entitled: "ORDINANCE ESTABLISHING AUTHORITY TO LEVY ASSESSMENTS TO PAY COSTS OF CITY OF GREAT FALLS PARK DISTRICT NUMBER 1" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Commission at a meeting on April 20, 2021 and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this ____ day of April, 2021.

(SEAL)

Lisa Kunz, City Clerk

I further certify that the Ordinance was duly adopted by the City Commission at a meeting on May 4, 2021, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Commission members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this ____ day of May, 2021.

(SEAL)

Lisa Kunz, City Clerk

ORDINANCE NO. 3228

ORDINANCE ESTABLISHING AUTHORITY TO LEVY
ASSESSMENTS TO PAY COSTS OF CITY OF GREAT FALLS PARK
DISTRICT NUMBER 1

BE IT ORDAINED by the City Commission (the “Commission”) of City of Great Falls, Montana (the “City”) as follows:

Section 1. Recitals.

1.01. The Act. Pursuant to Montana Code Annotated, Title 7, Chapter 11, Part 10, as amended (the “Act”), local governments are authorized to create special districts whenever the public convenience and necessity may require. Under the Act, a “special district” may be authorized by law to perform a single function or a limited number of functions, including but not limited to park districts. The Act further authorizes the entity administering a special district to, among other things, implement a program and order improvements designed to fulfill the purposes of the special district, and to borrow money by the issuance of general obligation bonds or revenue bonds for the lease, purchase, and maintenance of land, facilities and buildings and the funding of projects. The governing body of a local government creating a special district is required by the Act to make assessments or impose fees for the costs of the special district, and to levy such assessments against the benefited lots or parcels of land within the special district.

1.02. Creation of the City of Great Falls Park District Number 1. On June 6, 2017, following an initial public hearing, the Commission adopted Resolution No. 10191 (the “Resolution of Intention”), declaring it to be the intention of the Commission to create a special district for the purpose of providing certain services with respect to City parks and recreational facilities (as further described in Section 1.03). Following receipt of protests from property owners responsible for costs of the proposed special assessments in an amount greater than 10% and less than 50%, the Commission adopted Resolution No. 10223 on February 6, 2018, ordering a referendum on the question of creating the special district. Following the approval of a majority of the electors of the City at an election duly held on May 8, 2018, the Commission adopted Resolution No. 10238 on June 5, 2018 (the “Final Resolution”), creating the City of Great Falls Park District Number 1 (the “District”).

1.03. The Project; the Bonds. The District was created for the purpose of providing services including but not limited to: maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land; implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein; and/or any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department, including but not limited to public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City.

In furtherance of the District's purposes, the City has determined to undertake the design, construction, equipping and furnishing of a 50,000 square foot recreation center, including a lap pool, therapeutic pool, a recreational/training pool, general open fitness areas, an indoor gym space, drop-off child care, classrooms and ancillary support facilities (collectively, the "Project"). The Project is a service for purposes of the Final Resolution. The City has been awarded \$10,000,000 in federal grant funds to pay a portion of the costs of the Project.

The City plans to issue revenue bonds in one or more series (collectively, the "Bonds") under the Act and in accordance with the provisions of Title 7, Chapter 7, Part 44, Montana Code Annotated ("M.C.A."), to fund a portion of the costs of the Project. The District is an undertaking within the meaning of Section 7-7-4402, M.C.A., and the Project constitutes an improvement of the District for purposes of Section 7-7-4426, M.C.A. The Bonds shall be revenue bonds, payable from assessments against the property in the District.

Section 2. The Assessments. Pursuant to the Act and in accordance with Section 7-7-4424, M.C.A., the Commission hereby authorizes the City to levy special district assessments for the District. Pursuant to Section 7-11-1024 of the Act, the City shall make assessments for the costs and expenses of the District based upon a budget determined by the Commission. The Commission will include in the budget for each year an amount necessary to pay debt service on any outstanding Bonds and to pay any other costs of the District as may be necessary or desirable. Revenue derived from assessments levied in the District will be revenue of the District for which the Bonds are issued and will be collected by the City in amounts sufficient for the District to be "self-supporting" under Section 7-7-4424, Montana Code Annotated. The amount of assessments levied under this Ordinance will be determined from time to time by subsequent resolutions of the City.

Section 3. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the Commission.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
on this 4th day of May, 2021.

Bob Kelly, Mayor

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney