

Draft Dated: 11/18/2022

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Missoula, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an ordinance entitled: **"Ordinance enacting assessments for the city of Missoula Road District Number 1; providing that assessments constitute revenue of the undertaking"** (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading and preliminarily adopted by the City Council at a meeting on November 28, 2022, 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.

I further certify that the Ordinance was duly adopted on second reading by the City Council at a meeting on December 12, 2022, 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notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that on December 12, 2022, the final voted on the ordinance was as follows:  
: \_\_\_\_\_; voted against the  
same: \_\_\_\_\_; abstained from voting thereon: \_\_\_\_\_; or  
were absent: \_\_\_\_\_.

WITNESS my hand and seal officially this 12th day of December, 2022.  
(SEAL)

\_\_\_\_\_  
Martha L. Rehbein  
Legislative Services Director/City Clerk

ORDINANCE NO. \_\_\_\_\_

**Ordinance enacting assessments for the city of Missoula Road District  
Number 1; providing that assessments constitute revenue of the  
undertaking**

BE IT ORDAINED by the City Council (the "Council") of the City of Missoula, Montana (the "City") as follows:

**Section 1. Recitals.**

1.01. The Special District Act; the Revenue Bond Act. Pursuant to Montana Code Annotated ("M.C.A."), Title 7, Chapter 11, Part 10, as amended (the "Special District Act"), local governments are authorized to create special districts whenever the public convenience and necessity may require. Under the Special District 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 road districts. The Special District 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, including by the issuance of revenue bonds under the Revenue Bond Act (defined below) 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 Special District Act to make assessments or impose fees for the costs of the special district, and to cause such assessments to be levied against all properties within the special district.

Pursuant to Montana Code Annotated, Title 7, Chapter 7, Parts 44 and 45, as amended (collectively, the "Revenue Bond Act"), the City is authorized to issue revenue bonds in one or more series to finance in whole or in part the cost of acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any "undertaking." As defined in Section 7-7-4402 of the Revenue Bond Act, "undertaking" includes, among other things, public recreation facilities. Section 7-7-4424 of the Revenue Bond Act requires that undertakings be self-supporting; however, revenue from assessments and fees enacted by local ordinance constitutes revenue of an undertaking and may not result in an undertaking being considered not self-supporting.

1.02. Creation of the City of Missoula Road District Number 1. On July 19, 2010, following an initial public hearing held on July 12, 2010, the Council adopted Resolution No. 7546 (the "Resolution of Intention"), declaring it to be the intention of the Council to create a special district for the purpose of providing services including but not limited to: (1) maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land and/or (2) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; and/or (3) purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described in the Resolution of Intention; and/or (4) 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's Roads and Recreation Department including but not limited to: public roads and road areas (as described in the Master Roads and Recreation Plan for the Greater Missoula Area), recreation facilities, trails, open space (as defined in the City of Missoula Urban Area Open Space Plan), 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 (collectively, the "Road Services and Improvements"). On September 13, 2010, following publication and mailing of notice of a public hearing as required by the Special District Act, the Council held a second public hearing and then proceeded to adopt Resolution No. 7564 (as amended by Resolution No. 7572, adopted by the Council on October 18, 2010), creating the City of Missoula Road District Number 1 (the "District").

**Section 2. The Undertaking; the Assessments.** The City hereby determines that the Road Services and Improvements constitute an undertaking under the Revenue Bond Act. Pursuant to the Special District Act and in accordance with Section 7-7-4424 of the Revenue Bond Act, the Council hereby enacts the assessments against properties in the District for payment of the costs of the undertaking consisting of the Road Services and Improvements. Revenue derived from assessments levied in the District will be revenue of the undertaking consisting of the Road Services and Improvements, and will be collected by the City in amounts sufficient for the District and the undertaking consisting of the Road Services and Improvements to be "self-supporting" under Section 7-7-4424 of the Revenue Bond Act. The amount of the assessments enacted under this Ordinance will be determined from time to time by resolutions of the City and in accordance with the Special District Act.

Section 3. Effective Date. The effective date is thirty (30) days after final adoption of this Ordinance on second reading. This Ordinance shall be in full force and effect on January 11, 2023. SEVERABILITY. If any section, subsection, sentence, clause, phrase or word of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, for any reason this code should be declared invalid or unconstitutional, then the remaining code provisions will be in full force and effect.

CODIFICATION: This ordinance shall not be codified.

First reading and preliminary adoption on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_ ayes,  
; \_\_\_ Nays, ; \_  
; and \_\_\_ Absent,

Second and final reading and on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by a vote of \_\_\_ ayes,  
; \_\_\_ Nays, ; \_  
; and \_\_\_ Absent,

ATTEST:

APPROVED:

\_\_\_\_\_  
Martha L. Rehbein, CMC  
City Clerk

\_\_\_\_\_  
Jordan Hess  
Mayor