

COMMISSIONER'S AGENDA

10:00 A.M.

Thursday, July 21, 2016

PRESENT: Allan, Deb, Joe and Treva

**Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.**

**Approval of July 14, 2016 Minutes: Joe motioned to approve. Deb seconded the motion and the motion passed.**

1. Consider approval of Resolution 24-2016, a resolution appointing Prosecution Services Bureau of the Department of Justice as Special Deputy Toole County Attorney to investigate and possibly prosecute a case for Toole County. **Deb motioned to approve. Joe seconded the motion and the motion passed.**
2. Consider approval of Resolution 25-2016, a resolution authorizing the issuance of Health Care Facilities Refunding Revenue Bonds, Series 2016 to refund certain outstanding bonds of the county. **Joe motioned to approve. Deb seconded the motion and the motion passed.**
3. Consider approval of a contract with Hi Line Web Design for a 12-month period, beginning August 1, 2016. **Deb motioned to approve the contract for \$1,380. She mentioned that the county web page received 36,492 pages viewed last year and there were 78.9% new visitors. Joe seconded the motion and the motion passed.**

Resolution No 24-2016

**WHEREAS**, the Toole County Attorney has requested prosecutorial assistance, In Re the Matter of the Motor Cycle Crash of May 14, 2016, pending in Toole County; and

**WHEREAS**, it is desired and deemed appropriate that a Special Deputy County Attorney be appointed to assist in the prosecution of the aforementioned case, and

**WHEREAS**, Montana Code Annotated §44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief of Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

**WHEREAS**, Montana Code Annotated §2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties.

**IT IS HEREBY RESOLVED:**

That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as Special Deputy County Attorneys for Toole County for the purpose of assisting in the prosecution of the aforementioned case and that any of said deputies can fulfill the functions set out in Montana Code Annotated §44-4-103.

**THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

**IT IS RESOLVED** that Toole County Board of Commissioners hereby appoints Prosecution Services Bureau of the Department of Justice as Special Deputy Toole County Attorney to investigate and possibly prosecute this case for Toole County, Montana, and that all expenses of such prosecution and investigation shall be paid from the Toole County Attorney's budget.

Dated this 21<sup>st</sup> day of July, 2016.

Allan Underdal

CHAIRMAN

Deb Brandon

MEMBER

ATTEST:

Anna Nelson  
CLERK AND RECORDER

Joe Pelton

MEMBER

**Allan Underdal,**  
Commission Chair  
**Deb Brandon,**  
Commissioner  
**Joe Pehan,**  
Commissioner  
**Aerle Raph,**  
County Attorney  
**Donna Whitt,**  
Sheriff  
**Dan B. Whitted,**  
Coroner  
Commissioners'  
Office# 406-424-8310  
[tpcomm@toolecountymt.gov](mailto:tpcomm@toolecountymt.gov)



**Debra Munson,**  
Clerk of Court  
**Boyd Jackson,**  
Treasurer/Assessor  
Supt. of Schools  
**Helen I. Schnee,**  
Public Administrator  
**Joe Rapkoch,**  
Justice of the Peace  
**Treva Nelson,**  
Clerk & Recorder  
Clerk & Recorder's Office#  
406-424-8300  
Fax# 406-424-8301  
[tnelson@toolecountymt.gov](mailto:tnelson@toolecountymt.gov)

# COUNTY OF TOOLE

226 1<sup>ST</sup> Street South  
Toole County Courthouse, Shelby, MT 59474

## RESOLUTION NO. 25-2016

### RESOLUTION AUTHORIZING THE ISSUANCE OF HEALTH CARE FACILITIES REFUNDING REVENUE BONDS, SERIES 2016, TO REFUND CERTAIN OUTSTANDING BONDS OF THE COUNTY

**BE IT RESOLVED** by the Board of Commissioners of Toole County, Montana (the "County"), as follows:

Section 1. Recitals. As authorized by Montana Code Annotated, Title 7, Chapter 34, Part 23, as amended (the "Act"), the County owns and operates Marias Medical Center, an acute care critical access hospital, skilled nursing home and assisted living facility located in Shelby, Montana (collectively, the "Facilities").

The Montana Facility Finance Authority (the "Authority") previously issued its Health Care Facilities Revenue Bonds (Master Loan Program—Marias Medical Center Project, Shelby, Montana), Series 2005A (the "Authority's 2005 Bonds") in the original aggregate principal amount of \$4,030,000. Proceeds of the Authority's 2005 Bonds were loaned to the County (the "2005 Loan") for purposes of (i) refunding the Authority's Health Care Facilities Revenue Bonds (Master Loan Program—Toole County Project, Shelby, Montana), Series 1996A (the "Series 1996A Bonds"), (ii) refunding the County's Health Facilities Revenue Bonds, Series 1997 (the "Series 1997 Bonds"), (iii) making a deposit to a debt service reserve fund for the Authority's Series 2005 Bonds and (iv) paying a portion of the expenses incurred in connection with the issuance of the Authority's 2005 Bonds. The Series 1996A Bonds were issued to finance an addition to the hospital and nursing home facility comprising part of the Facilities, which included physician offices, examination rooms, treatment rooms, and other amenities. The Series 1997 Bonds were issued to finance the costs of designing, constructing and equipping the assisted living facility comprising part of the Facilities.

Pursuant to the Act, the County issued its Health Facilities Revenue Bonds, Series 2005 (the "County's 2005 Bonds") to the Authority in the same original aggregate principal amount and with the same interest rate as the Authority's 2005 Bonds in order to evidence the 2005 Loan and as security for the Authority's 2005 Bonds. Debt service payments made by the County on the County's 2005 Bonds are payable in amounts and at times sufficient for the Authority to

make corresponding payments on the Authority's 2005 Bonds. The County's 2005 Bonds are payable from the revenues of the Facilities and are presently outstanding in the aggregate principal amount of \$2,070,000.

Section 2. Refunding. In order achieve debt servicing savings on the Authority's 2005 Bonds, it has been proposed that the Authority issue its Health Care Facilities Revenue Refunding Bonds (Master Loan Program – Marias Medical Center Project), Series 2016 (the "Authority's 2016 Bonds"), and loan (the "2016 Loan") the proceeds thereof to the County for the purposes of (i) refunding the Authority's 2005 Bonds, (ii) making a deposit to a debt service reserve fund for the Authority's 2016 Bonds and (iii) paying expenses incurred in connection with the issuance of the Authority's 2016 Bonds. In connection with the issuance of the Authority's 2016 Bonds, the County's 2005 Bonds will be cancelled and pursuant to the Act the County will issue its Health Care Facilities Revenue Refunding Bonds, Series 2016 (the "County's 2016 Bonds") to the Authority in the same original aggregate principal amount and with the same interest rate as the Authority's 2016 Bonds in order to evidence the 2016 Loan and as security for the Authority's 2016 Bonds. Debt service payments made by the County on the County's 2016 Bonds will be payable in amounts and at times sufficient for the Authority to make corresponding payments on the Authority's 2016 Bonds. The County's 2016 Bonds will be payable from the revenues of the Facilities.

The terms of Authority's 2016 Bonds (and therefore the County's 2016 Bonds) will be established by pursuant to negotiations with one or more banks or financial institutions (the "Purchaser") with the assistance and advice of D.A. Davidson & Co., Great Falls, Montana, as placement agent (the "Placement Agent") in connection with the Authority's 2016 Bonds. Prior to the issuance of County's 2016 Bonds, the Board will adopt a resolution (the "County Bond Resolution"), which shall set forth the terms of the County's 2016 Bonds.

Section 3. Authorization of Issuance of County's 2016 Bonds; Approval of Issuance of Authority's 2016 Bonds; and Authorization to Execute Bond Purchase Agreement.

3.1. The issuance of the County's 2016 Bonds for the purposes described in Section 2 hereof is hereby authorized.

3.2. The County understands that Placement Agent will act as placement agent with respect to the Authority's 2016 Bonds. The Authority's 2016 Bonds shall be sold to a Purchaser pursuant to a Bond Purchase Agreement among the Authority, the County and the Purchaser (the "Bond Purchase Agreement"). The County hereby authorizes and directs the Chair of the Board of County Commissioners and the Chief Executive Officer of the Marias Medical Center to negotiate the terms of the County's 2016 Bonds, recognizing that the County's 2016 Bonds will have the same terms as the Authority's 2016 Bonds, and to enter into the Bond Purchase Agreement. The Authority's 2016 Bonds shall be in the aggregate principal amount, mature on such dates, bear interest at such rates per annum, be subject to redemption, bear such date, and be sold at such purchase price as are set forth in the Bond Purchase Agreement; provided that:

(a) The total aggregate principal amount of the Authority's 2016 Bonds shall not exceed \$2,100,000 (exclusive of any premium or discount thereon);

(b) The net present value of debt service savings to be achieved by the refunding of the Authority's 2005 Bonds is not less than 3.50% of the outstanding principal amount of the Authority's 2005 Bonds; and

(c) The term of the Authority's 2016 Bonds shall not exceed the term of the Authority's 2005 Bonds.

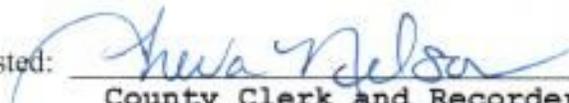
3.3. The appropriate officers of the County are hereby authorized to execute such documents as are necessary in connection with the issuance of the Authority's 2016 Bonds and County's 2016 Bonds and the refunding of the Authority's 2016 Bonds and the cancellation of the County's 2005 Bonds. Following the approval of the terms of the Authority's 2016 Bonds and the execution of the Bond Purchase Agreement as provided herein, the Board shall adopt the County Bond Resolution setting forth the terms of the County's 2016 Bonds and the security for the payment thereof.

Adopted this 21 day of July, 2016.



**Chair, Board of County Commissioners**

Attested:

  
**County Clerk and Recorder**