

RESOLUTION NO. 15-11

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

BE IT RESOLVED BY THE Town Council (the Governing Body) OF THE TOWN OF WHITEHALL (the Borrower) AS FOLLOWS:

ARTICLE I

DETERMINATIONS AND DEFINITIONS

Section 1.01. Definitions. The following terms will have the meanings indicated below for all purposes of this Resolution unless the context clearly requires otherwise. Capitalized terms used in this Resolution and not defined herein shall have the meanings set forth in the Loan Agreement.

Adjusted Interest Rate means the rate of interest on the Bonds determined in accordance with the provisions of Section 3.03 of the Indenture.

Authorized Representative shall mean the officers of the Borrower designated and duly empowered by the Governing Body and set forth in the application.

Board shall mean the Board of Investments of the State of Montana, a public body corporate organized and existing under the laws of the State and its successors and assigns.

Board Act shall mean Section 2-15-1808, Title 17, Chapter 5, Part 16, MCA, as amended.

Bonds shall mean the Bonds issued by the Board pursuant to the Indenture to finance the Program.

Borrower shall mean the Borrower above named.

Indenture shall mean that certain Indenture of Trust dated March 1, 1991 by and between the Board and the Trustee pursuant to which the Bonds are to be issued and all supplemental indentures thereto.

Loan means the loan of money by the Board to the Borrower under the terms of the Loan Agreement pursuant to the Act and the Borrower Act and evidenced by the Note.

Loan Agreement means the Loan Agreement between the Borrower and the Board, including any amendment thereof or supplement thereto entered into in accordance with the provisions thereof and hereof.

Loan Agreement Resolution means this Resolution or such other form of resolution that the Board may approve and all amendments and supplements thereto.

Loan Date means the date of closing a Loan.

Loan Rate means the rate of interest on the Loan which is initially 1.95% per annum through February 15, 2012 and thereafter a rate equal to the Adjusted Interest Rate on the Bonds and up to 1.5% per annum as necessary to pay Program Expenses.

Note means the promissory note to be executed by the Borrower pursuant to the Loan Agreement, in accordance with the provisions hereof and thereof, in substantially the form set forth in the Promissory Note, or in such form that may be approved by the Board.

Program shall mean the INTERCAP Program of the Board pursuant to which the Board will issue and sell Bonds and use the proceeds to make loans to participating Eligible Government Units.

Project shall mean those items of equipment, personal or real property improvements to be acquired, installed, financed or refinanced under the Program as set forth in the Description of the Project/Summary of Draws.

Security Instrument means a security agreement in substantially the form set forth, and, a Uniform Commercial Code financing statement, in a form acceptable to the Board and the Trustee granting a security interest in, or a lien on, the property constituting the Project or other real or personal properties added to or substituted therefor.

Trustee shall mean U. S. Bank National Association (formerly known as First Trust Company of Montana National Association) and its successors.

Section 1.02. Authority. The Borrower is authorized to undertake the Project and is further authorized by the Borrower Act to enter into the Loan Agreement for the purpose of obtaining a loan to finance or refinance the acquisition and installation costs of the Project.

Section 1.03. Execution of Agreement and Delivery of Note. Pursuant to the Indenture and the Board Act, the Board has issued and sold the Bonds and deposited a part of proceeds thereof in the Loan Fund held by the Trustee. The Board has, pursuant to the Term Sheet, agreed to make a Loan to the Borrower in the principal amount of \$35,000.00 and upon the further terms and conditions set forth herein, and as set forth in the Term Sheet and the Loan Agreement.

## ARTICLE II

### THE LOAN AGREEMENT

Section 2.01. Terms. (a) The Loan Agreement shall be dated as of the Loan Date, in the principal amount of \$35,000.00 and shall constitute a valid and legally binding obligation of the Borrower. The obligation to repay the Loan shall be evidenced by a Promissory Note. The Loan shall bear interest at the initial rate of 1.95% per annum through February 15, 2012 and thereafter at the Adjusted Interest Rate, plus up to 1.5% per annum as necessary to pay the cost of administering the Program (the Program Expenses). All payments may be made by check or wire transfer to the Trustee at its principal corporate trust office.

(b) The Loan Repayment Dates shall be February 15 and August 15 of each year.

(c) The principal amount of the Loan may be prepaid in whole or in part provided that the Borrower has given written notice of its intention to prepay the Loan in whole or in part to the Board no later than 30 days prior to the designated prepayment date.

(d) The Prepayment Amount shall be equal to the principal amount of the Loan outstanding, plus accrued interest thereon to the date of prepayment.

(e) Within fifteen days following an Adjustment Date, the Trustee shall calculate the respective amounts of principal and interest payable by each Borrower on and with respect to its Loan Agreement and Note for the subsequent August 15 and February 15 payments, and prepare and mail by first class mail a statement therefor to the Borrower.

Section 2.02. Use and Disbursement of the Proceeds. The proceeds of the Loan will be expended solely for the purposes set forth in the Description of the Project/Summary of Draws. The proceeds from the sale of the Note to the Board shall remain in the Borrower's Account pending disbursement at the request of the Borrower to pay the budgeted expenditures in anticipation of which the Note was issued. Requests for disbursement of the Loan shall be made to the Board. Prior to the closing of the Loan and the first disbursement, the Borrower shall have delivered to the Trustee a certified copy of this Resolution, the executed Loan Agreement and Note in a form satisfactory to the Borrower's Counsel and the Board's Bond Counsel and such other certificates, documents and opinions as set forth in the Loan Agreement or as the Board or Trustee may require. The Borrower will pay the loan proceeds to a third party within five business days after the date they are advanced (except for proceeds to reimburse the Borrower for previously paid expenditures, which are deemed allocated on the date advanced).

Section 2.03. Payment and Security for the Note. In consideration of the making of the Loan to the Borrower by the Board, the provisions of this Resolution shall be a part of the Agreement of the Borrower with the Board. The provisions, covenants and Agreements herein set forth to be performed by or on behalf of the Borrower shall be for the benefit of the Board. The Loan Agreement and Note shall constitute a valid and legally binding obligation of the Borrower and the principal of and interest on the Loan shall be payable from the general fund of the Borrower, and any other money and funds of the Borrower otherwise legally available therefor. [The repayment of the Loan shall be secured by a security interest in the Project being financed.] The Borrower shall enforce its rights to receive and collect all such taxes and revenues to insure the prompt payment of the Borrower obligations hereunder.

Section 2.04. Representation Regarding the Property Tax Limitation Act. The Borrower recognizes and acknowledges that the amount of taxes it may levy is limited by the state pursuant to Section 15-10-402, et. seq. (the Property Tax Limitation Act). The Borrower is familiar with the Property Tax Limitation Act and acknowledges that the obligation to repay the Loan under the Agreement and Note are not exceptions to the provisions of the Property Tax Limitation Act. The Borrower represents and covenants that the payment of principal of and interest on the Loan can and will be made from revenues available to the Borrower in the years as they become due, notwithstanding the provisions of the Property Tax Limitation Act.

Section 2.05. Levy and Appropriate Funds to Repay Loan. The Borrower agrees that in order to meet its obligation to repay the Loan and all other payments hereunder that it will budget, levy taxes for and appropriate in each fiscal year during the term of the Loan an amount sufficient to pay the principal of and interest hereon within the limitations of the Property Tax Limitation Act, as may be amended, and will reduce other expenditures if necessary to make the payments hereunder when due.

### ARTICLE III

#### CERTIFICATIONS, EXECUTION AND DELIVERY

Section 3.01. Authentication of Transcript. The Authorized Representatives are authorized and directed to prepare and furnish to the Board and to attorneys approving the validity of the Bonds, certified copies of this Resolution and all other resolutions and actions of the Borrower and of said officers relating to the Loan Agreement, the Note, the Security Agreement and certificates as to all other proceedings and records of the Borrower which are reasonably required to evidence the validity and marketability of the Note. All such certified copies and certificates shall be deemed the representations and recitals of the Borrower as to the correctness of the statements contained therein.

Section 3.02. Legal Opinion. The attorney to the Borrower is hereby authorized and directed to deliver to the Board at the time of Closing of the Loan his or her opinion regarding the Loan, the Loan Agreement, the Note and this Resolution in substantially the form of the opinion set forth in the Attorney's Opinion.

Section 3.03. Execution. The Loan Agreement, Note, Security Agreement and any other document required to close the Loan shall be executed in the name of the Borrower and shall be executed on behalf of the Borrower by the signatures of the Authorized Representatives of the Borrower.

PASSED AND APPROVED by the Whitehall Town Council this 12th day  
of December, 2011.

By *M. J. Hensleigh*  
Its Mayor

Attest:  
By *Darcy Penwood*  
Its Clerk/Treasurer

**RESOLUTION NO. 14-11**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL,  
MT IN SUPPORT OF THE SAFE ROUTES TO SCHOOLS PROGRAM**

**WHEREAS** the Town of Whitehall wishes to become part of the Safe Routes to Schools Program; and

**WHEREAS** The Safe Routes to Schools Program would take place during the 2011/2012 school year; and

**WHEREAS** To be a Safe Routes to Schools Program requires the formation of Teams at each school which can include parents, neighbors and interested teachers, which will organize contests and events; and

**WHEREAS** Safe Routes to Schools will assist in forming a community-wide Task Force which will include parents, neighborhood members, law enforcement and participation from staff from the school and town which will identify and evaluate safer routes to schools for children and present this to the Town Council; and

**WHEREAS** Safe Routes to Schools will be providing in-class safety education in each qualifying school; and

**WHEREAS** In addition to helping to relieve morning traffic, the Town of Whitehall is excited about the potential for this Safe Routes to Schools Program because walking and bicycling increases the physical health of our children.

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Town Council of the Town of Whitehall, Montana hereby supports and adopts the Safe Routes to Schools Program.

APPROVED by the Whitehall Town Council this 14<sup>th</sup> day of November 2011.

AYES: 05      NAYES: 0      ABSENT: 01

SIGNED: M. J. Hensleigh  
Mayor Mary Janacaro Hensleigh

ATTEST: Darcy Perrenoud  
Clerk Darcy Perrenoud

**HAZARD MITGATION PLAN**

Town of Whitehall, Montana

Resolution No. 13-11

**WHEREAS**, all citizens and property within the Town of Whitehall are at risk from a wide range of hazards such as, but not limited to, flooding, earthquake and hazardous materials; and

**WHEREAS**, the Town, pursuant to Section 322, Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, enacted by Section 104 of the Disaster Mitigation Act of 2000 (P.L. 106-390) and the Interim Final Rule published in the Federal Register on February 25, 2002 at 44 CFR Part 201, is required to have an approved Hazard Mitigation Plan in order to receive future federal disaster mitigation funds; and

**WHEREAS**, the Hazard Mitigation Plan will Guide the Town in making decisions for pre-disaster and post-disaster mitigation projects,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of Whitehall, Montana, hereby adopts the Hazard Mitigation Plan Dated September, 2011.

PASSED AND ADOPTED by the Town Council of Whitehall, Montana, this 14<sup>th</sup>, day of November, 2011.

AYES: 05      NAYES: 0      ABSENT: 01

SIGNED: M. J. Hensleigh  
Mary Janacaro Hensleigh, Mayor

ATTEST: Darcy Perrenoud  
Darcy Perrenoud, Town Clerk

TOWN OF WHITEHALL, MONTANA

RESOLUTION # 12-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL , COUNTY OF JEFFERSON STATING ITS INTENT TO EXTEND THE BOUNDARIES OF THE TOWN OF WHITEHALL TO INCLUDE LOT 1A OF THE AMENDED PLAT OF THE WEST ADDITION TO THE TOWN OF WHITEHALL.

Whereas, the Town Council of the Town of Whitehall believes that it is in the best interest of the town to extend its boundaries to include Lot 1A of the Amended Plat of the West Addition to the Town of Whitehall; and

Whereas, Section 7-2-4312, MCA, grants authority to local governments to extend its boundaries to include contiguous platted tracts or parcels of land for which a certificate of survey has been filed; and

Whereas, the property to be annexed is legally described as Lot 1A of the Amended Plat of the West Addition to the Town of Whitehall located in Government Lot 3 of Section 4, T1N, R4W, P.M.M., Jefferson County, with the plat on file and of record in the office of the County Clerk and Recorder at Folio 579-B-BR.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitehall, Montana, that:

1. That it is in the best interest of the inhabitants of the Town of Whitehall that the boundaries of the Town of Whitehall be extended to include Lot 1A of the Amended Plat of the West Addition to the Town of Whitehall located in Government Lot 3 of Section 4, T1N, R4W, P.M.M., Jefferson County, Montana, as shown on Exhibit "A" attached hereto and by reference made a part hereof.
2. That the Town Clerk immediately notify, in writing, all registered voters in the territory to be embraced; and
3. That the Town Clerk publish notice as provided in MCA 7-1-4127.

APPROVED by the Whitehall Town Council this \_\_\_\_ day of September, 2011.

AYES: 05 NAYES 0 ABSENT 01

SIGNED: M. J. Hensleigh 9-13-11  
Mayor Mary Janacaro Hensleigh

ATTEST: Darcy Perrenoud 9/13/2011  
Darcy Perrenoud, Town Clerk

EXHIBIT A

FORTIER ANNEXATION TO THE TOWN OF WHITEHALL  
LOT 1A OF THE AMENDED PLAT OF THE WEST ADDITION TO THE TOWN OF WHITEHALL, MONTANA (FOLIO 579-B-BR)  
LOCATED IN GOVERNMENT LOT 3 OF SECTION 4, T1N, R4W, P.M.M.,  
JEFFERSON COUNTY, MONTANA

SKYLINE DRIVE

S82°57'00"E 85.00'

LOT 2A

N07°03'00"E 130.00'

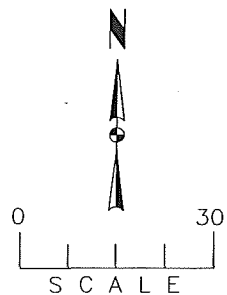
LOT 1A  
0.254 ACRES

S07°03'00"W 130.00'

POINT OF BEGINNING

7A

ANNEXATION  
BOUNDARY



BEARING BASIS: AMENDED PLAT  
OF THE WEST ADDITION TO  
WHITEHALL (FOLIO 579-B-BR)

N82°57'00"W 85.00'

9

10

20' WIDE ALLEY

8

NOTE:

THIS IS NOT A SURVEY. THE PROPERTY BOUNDARY INFORMATION SHOWN IS FROM THE AMENDED PLAT.

THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS	
DRAWN BY:	SA
QUALITY CHECK:	SA
DATE: 06/29/11	FB: ...
JOB NO.	B11-044
CAD NO.	11044X1.dwg L2


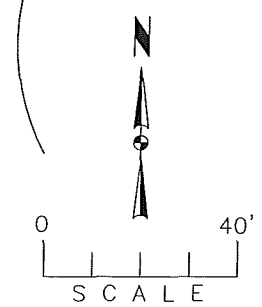
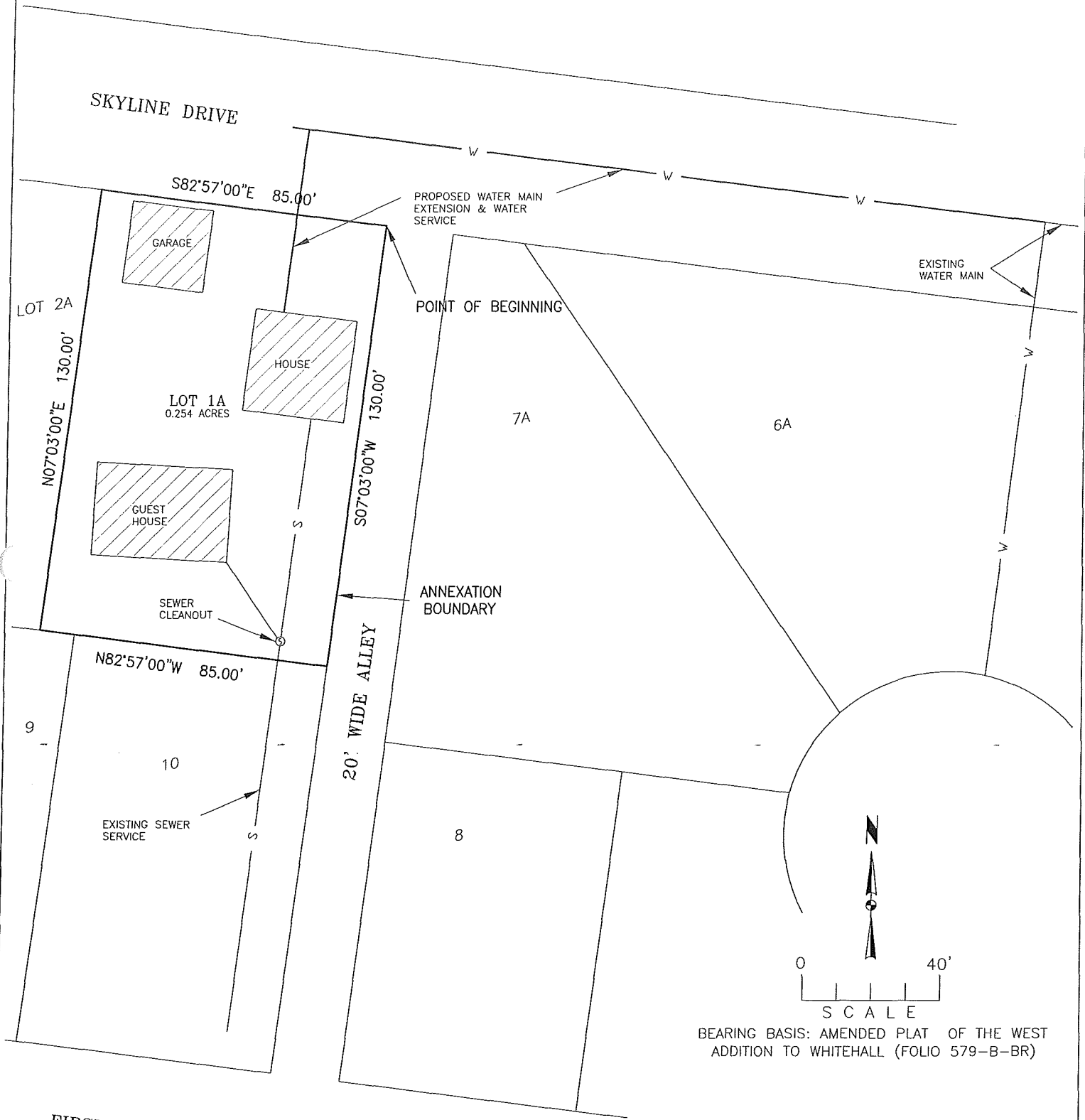




EXHIBIT 'A'  
 FORTIER ANNEXATION TO THE TOWN OF WHITEHALL  
 LOT 1A OF THE AMENDED PLAT OF THE WEST ADDITION TO THE TOWN OF WHITEHALL, MONTANA (FOLIO 579-B-BR)  
 LOCATED IN GOVERNMENT LOT 3 OF SECTION 4, T1N, R4W, P.M.M.,  
 JEFFERSON COUNTY, MONTANA



BEARING BASIS: AMENDED PLAT OF THE WEST  
 ADDITION TO WHITEHALL (FOLIO 579-B-BR)

NOTE:  
 THIS IS NOT A SURVEY. THE IMPROVEMENTS SHOWN ARE APPROXIMATE FROM VARIOUS SOURCES. THE PROPERTY BOUNDARY INFORMATION SHOWN IS FROM THE AMENDED PLAT.

<b>THOMAS, DEAN &amp; HOSKINS, INC.</b> ENGINEERING CONSULTANTS	
DRAWN BY:	SA
QUALITY CHECK:	SA
DATE: 06/29/11	FB: ...
JOB NO.	B11-044
CAD NO.	11044X1.dwg L1



# RESOLUTION 11-11

A resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of the FY 2012 final budget.

**BE IT RESOLVED** by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council approves the FY 2012 final general fund budget in the amount of \$564,303.00 (Five Hundred Sixty Four Thousand, Three Hundred Three dollars and no cents), establishing a general fund mill levy of 132.36.

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council approves the FY 2012 final budget of \$16,047 (Sixteen Thousand, Forty Seven Dollars), for the 19.12 voter established mill levy for debt service purposes on the fire engine.

**BE IT FURTHER RESOLVED** that the Whitehall Town Council hereby approves the FY 2012 fee based budgets in the amount of \$747,255 (Seven Hundred Forty Seven Thousand, Two Hundred Fifty Five dollars and no cents) and, under MCA 7-6-4012, hereby authorizes adjustments to the appropriations of the fee based budgets as determined by the Council throughout the year.

PASSED AND APPROVED THIS 12th DAY OF SEPTEMBER, 2011.

AYES: 05      NAYES: 0      ABSENT: 01

M. J. Hensleigh, 9-12-11  
Mayor Mary Janacaro Hensleigh      Date

Darcy Perrenoud, 9-12-2011  
Clerk/Treasurer Darcy Perrenoud      Date

# RESOLUTION 10-11

A resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of the FY 2012 mill levies.

**BE IT RESOLVED** by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby fixes the Fiscal Year 2012 General Fund mill levies at 113.24;

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council hereby fixes the voter established mill levy for debt service purposes on the Town of Whitehall fire engine at 19.12 mills.

**THEREFORE BE IT RSOLVED** that the Town Council of the Town of Whitehall hereby fixes the total Town levies for Fiscal Year 2012 at 132.36 mills.

**PASSED AND APPROVED THIS 15th DAY OF AUGUST, 2011.**

AYES: 06      NAYES: 0      ABSENT: 0

M. J. Hensleigh, 8-16-11  
Mayor Mary Janacaro Hensleigh      Date

Darcy Perrenoud, 8/16/2011  
Clerk/Treasurer Darcy Perrenoud      Date

RESOLUTION NO. 09-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL,  
MT ADOPTING AND APPROVING A BASE WAGE INCREASE FOR THE  
POSITION OF ASSISTANT PUBLIC WORKS

**WHEREAS** the Town of Whitehall Wage and Finance Committee has evaluated employee compensations; and

**WHEREAS** the Wage and Finance Committee compared data with 12 comparably sized Montana Communities; and

**WHEREAS** the Wage and Finance Committee used data from the 2010 Census to provide income level comparisons; and

**WHEREAS** the Wage and Finance Committee determined the compensation level for the Town's position of Assistant Public Works to be considerably low; and

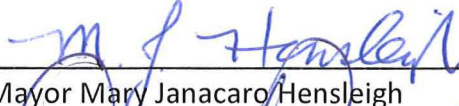
**WHEREAS** the Wage and Finance Committee has recommended increasing the base wage for the position of Assistant Public Works by \$1.50/hour; and

**WHEREAS** this wage increase shall be retroactive to July 1, 2011,

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Town Council of the Town of Whitehall, Montana, that the Town's position of Assistant Public Works receive an increase of \$1.50/hour to the base wage, retroactive to July 1<sup>st</sup>, 2011, based on the recommendation of the Wage and Finance Committee.

APPROVED by the Whitehall Town Council this 15<sup>th</sup> day of August 2011.

AYES: 06      NAYES: 0      ABSENT: 0

SIGNED:   
Mayor Mary Janacaro Hensleigh

ATTEST:   
Clerk Darcy Perrenoud

**RESOLUTION NO. 08-11**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL,  
MT ADJUSTING AND APPROVING AN INCREASE IN THE EMPLOYEE  
MEDICAL INSURANCE BENEFIT**

**WHEREAS** the Town of Whitehall Personnel Policy and Procedures Manual states that the funding amount for employee insurance will be set by the Council in the fiscal year budget approval; and

**WHEREAS** this amount has not been adjusted in more than 5 years; and

**WHEREAS** the Town of Whitehall Wage and Finance Committee has evaluated employee benefits; and

**WHEREAS** the Wage and Finance Committee compared data with 12 comparably sized Montana Communities; and

**WHEREAS** the Wage and Finance Committee has recommended that the amount allotted for employee insurance should be increased \$80/month, to \$400; and

**WHEREAS** this increase shall be retroactive to July 1, 2011,

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Town Council of the Town of Whitehall, Montana, that the medical insurance allotment for those qualifying employees, shall be increased by \$80/month for a total of \$400/month per employee, and that the increase shall be retroactive to July 1<sup>st</sup>, 2011 based on the recommendation of the Wage and Finance Committee.

APPROVED by the Whitehall Town Council this 15<sup>th</sup> day of August 2011.

AYES: 06      NAYES: 0      ABSENT: 0

SIGNED:   
Mayor Mary Janacaro Hensleigh

ATTEST:   
Clerk Darcy Perrenoud

RESOLUTION NO. 07-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL,  
MT ADOPTING AND APPROVING A WAGE INCREASE FOR CERTAIN  
EMPLOYEES OF THE TOWN OF WHITEHALL.

WHEREAS the Town of Whitehall Wage and Finance Committee has evaluated employee compensations; and

WHEREAS the Wage and Finance Committee compared data with 12 comparably sized Montana Communities; and

WHEREAS the Wage and Finance Committee used data from the 2010 Census to provide income level comparisons; and

WHEREAS this wage increase shall be retroactive to July 1, 2011,

NOW, THEREFORE BE IT HEREBY RESOLVED by the Town Council of the Town of Whitehall, Montana, that the 5 full-time Town employees (Clerk/Treasurer, Deputy Clerk, Public Works Director, Assistant Public Works and Public Works Laborer) shall receive a cost-of-living increase of 3.5%, retroactive to July 1<sup>st</sup>, 2011, based on the recommendation of the Wage and Finance Committee.

APPROVED by the Whitehall Town Council this 15<sup>th</sup> day of August 2011.

AYES: 06 NAYES: 0 ABSENT: 0

SIGNED: M. J. Hensleigh  
Mayor Mary Janacaro Hensleigh

ATTEST: Darcy Perrenoud  
Clerk Darcy Perrenoud

## RESOLUTION NO. 06-11

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA ADOPTING A SPENDING POLICY.

**WHEREAS**, the State of Montana MCA 2-7-504(2) requires accounting methods to be in accordance with generally accepted accounting principles established by the Governmental Accounting Standards Board (GASB); and

**WHEREAS**, GASB Statement 54, released by GASB, requires the adoption of a spending policy,

**THEREFORE BE IT RESOLVED** that the Whitehall Town Council hereby adopts the following:

#### **General Fund**

The Town of Whitehall receives inflows from revenue and various other financing sources for use in the General Fund. The Fund will expend those resources on multiple purposes of the local government. The intention of this spending policy is to identify the expenditure order of resource categories for the General Fund. Resources will be categorized according to Generally Accepted Accounting Principles (GAAP) for state and local governments. When both restricted and unrestricted resources are available in the General Fund, the following spending policy will apply;

- 1<sup>st</sup> Restricted
- 2<sup>nd</sup> Committed
- 3<sup>rd</sup> Assigned

The Town Council, the Mayor and the Clerk/Treasurer individually have the authority to express assignments in the General Fund.

#### **All Special Revenue Funds**

The Town of Whitehall receives inflows from revenue and various other financing sources for use in Special Revenue Funds. Special Revenue Funds will expend those resources on the specific purpose of the fund. The intention of this spending policy is to identify the expenditure order of resource categories for all Special Revenue Funds. Resources will be categorized according to Generally Accepted Accounting Principles (GAAP) for state and local governments. When both restricted and unrestricted resources are available in a Special Revenue Fund, the following spending policy will apply:

- 1<sup>st</sup> Restricted
- 2<sup>nd</sup> Committed
- 3<sup>rd</sup> Assigned

The Town Council, the Mayor and the Clerk/Treasurer, individually have the authority to express assignments in Special Revenue Funds.

**PASSED AND APPROVED** by the Whitehall Town Council this 11<sup>th</sup> day of July 2011.

AYES: 05      NAYES: 0      ABSENT: 01

SIGNED: M. J. Hensleigh  
Mayor Mary Janacaro Hensleigh

ATTEST: Darcy Perrenoud  
Clerk Darcy Perrenoud



**RESOLUTION NO. 05-11**

**A RESOLUTION OF THE TOWN OF WHITEHALL, MONTANA PROVIDING FOR THE AMENDMENT OF THE FISCAL YEAR 2011 BUDGET.**

**WHEREAS**, the Town of Whitehall, Montana adopted the budget for Fiscal Year 2011 by Resolution No. 03-10 and;

**WHEREAS**, the Town of Whitehall Pool Assessments Fund (2211); Police Pension and Training Fund (2810); Community Development Board Fund (2250); Truby Bachman Memorial Trust Fund (2703); Ambulance Operating Fund; Ambulance Building Project Fund (5511); Ambulance Trust Fund (7050); and Fire Department Trust Fund need to be amended to cover unanticipated revenues and expenditures and;

**WHEREAS**, the Town of Whitehall is empowered under Montana Code Annotated 7-6-4006, 7-6-4012 and 7-6-4031 to amend the fiscal year budget and;

**WHEREAS**, each of the aforementioned funds have the necessary funds available in operating cash and reserves to cover the amended budget expenditures;

**NOW, THEREFORE BE IT RESOLVED** that the Town Council of the Town of Whitehall, MT hereby appropriates and redistributes the following accounts and directs the Town Clerk to make the following budget amendments:

<b>Pool Assessments</b>	2211-460445-110	increase expenditure by \$7,153.47 From operating cash on hand within Fund 2211
<b>Police Pension/Training</b>	2810-420100-380	Add expenditure of \$750 for Law Enforcement Contract Provisions
	2810-420100-399	Add expenditure of \$1,925.13 for Council approved return of funds to State – Both expenditures covered by operating cash on hand within Fund 2810.
<b>Community Development</b>	2250-365020	Add unanticipated revenue of \$2,500 (JVCF grant for picnic tables)
	2250-410130-220	Add the corresponding expenditure of \$2,500 for expense of the JVCF grant for picnic tables.

<b>Truby Bachman Trust</b>	2703-365010	Add unanticipated revenue of \$930 received through donations in Truby Bachman's name
	2703-410700-730	Add the corresponding expenditure of \$930 for authorized expenses of the donations in Truby Bachman's name
<b>Ambulance Bldg Project</b>	5511-365000	Add unanticipated revenue donation of \$23,470 from the Ladies Auxiliary
	5511-383000	Interfund operating transfer in of \$31,938.16 from fund 7050 (Ambulance Trust)
	5511-383000	Interfund operating transfer in of \$43,764.16 from fund fund 5510 (Ambulance operating)
	5511-420730-900	Add Capital Outlay costs associated with ambulance building project of \$99,172.32
<b>Ambulance Trust</b>	7050-420730-900	Add additional contingency expenditure of \$35,670 for funding of the building – covered by cash on hand within fund 7050.
	7050-521000-900	Interfund operating transfer out of \$31,938.16 to ambulance Bldg Project Fund
<b>Ambulance Operating</b>	5510-521000-900	Interfund operating transfer out of \$43,764.16 to the ambulance building project fund from available cash on hand
<b>Fire Department Trust</b>	7051-365001	Add unanticipated revenue donation of \$3,234 (contributions from Casino Night)
	7051-420460-220	Add the corresponding expenditure of \$3,234 to purchase wireless headsets.

Passed and approved by the Whitehall Town Council this 13<sup>th</sup> day of June, 2011.

AYES: 05 NAYES: 0

M. J. Hensleigh, 06-14-11  
Mayer, Marj Janacaro Hensleigh Date

Darcy Perrenoud, 06/14/2011  
Attest: Clerk Darcy Perrenoud Date

TOWN OF WHITEHALL  
EMERGENCY RESOLUTION

Resolution No. 04-11

WHEREAS, flooding has caused damage to streets and potential damage to other services within the Town of Whitehall on May 23, 2011; and

WHEREAS, restoration of these services is essential to ensure the safety and welfare of residents of the city; and

WHEREAS, the City has committed all available resources, taken all possible action to combat and to alleviate the situation and local resources are not adequate to cope with the situation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor of Whitehall that an emergency is hereby declared pursuant to Section 10-3-402, because expenditures for repair and damage will be beyond the financial capability of the Town.

BE IT FURTHER RESOLVED, that there shall be appropriated immediately to the Emergency/Disaster Fund an amount equivalent to two (2) mills on the taxable valuation of the County pursuant to Section 10-3-405, MC. Said two (2) mills will be levied during the fiscal year 2011/2012 and be utilized for restoring services and repairing facilities damaged by the flooding.

BE IT FURTHER RESOLVED, that copies of this resolution be filed with the City Clerk, County Clerk and Recorder and the Montana Disaster and Emergency Services Division in Helena.

PASSED AND ADOPTED by the Town of Whitehall Mayor and Council this 25th day of May, 2011.



M. J. Huslein  
Mayor

Vincent Kozlowski  
Council

Stephen B. Cantelmo  
Council President

D. J. Boyers  
Council

Mae R. [Signature]  
Council

Dorey [Signature]  
Clerk

[Signature]  
Council

Todd A. [Signature]  
Council

## RESOLUTION NO. 03-11

### A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF WHITEHALL, MONTANA, COUNTY OF JEFFERSON TO ADOPT ADDITIONS TO THE TOWN OF WHITEHALL GROWTH POLICY.

**WHEREAS:** The Whitehall Town Council tasked the Planning Board, pursuant to MCA 76-1-106, with the preparation and continued updating of the Growth Policy for the Town, and;

**WHEREAS:** GreatWest Engineering was hired to aid in the preparation of the growth policy, and;

**WHEREAS:** The 2009 session of the Montana State Legislature enacted additional requirements of growth policies which included a description of a jurisdiction's sand and gravel resources to be included as part of the inventory of existing characteristics and features and;

**WHEREAS:** The 2009 adopted version of the Town of Whitehall Growth Policy did not include a description of sand and gravel resources and;

**WHEREAS:** Per 76-1-601(3)(i), MCA, an evaluation of the potential for fire and wildland fire in the jurisdictional is required in growth policies and;

**WHEREAS:** The 2009 adopted version of the Town of Whitehall Growth Policy did not meet the statutory requirements of 76-1-601(3)(i) and;

**WHEREAS:** 76-1-601(3)(i), MCA, requires a statement to be included in growth policies describing how public hearings on subdivision applications will be held and;

**WHEREAS:** The 2009 adopted version of the Town of Whitehall Growth Policy did not include a statement on how public hearings on subdivisions would be held and;

**WHEREAS:** The Whitehall Planning Board in conjunction with GreatWest Engineering has made the appropriate additions to the Town of Whitehall Growth Policy and;

**WHEREAS:** The Whitehall Planning Board has recommended adoption to the Whitehall Town Council of the aforementioned additions to the growth policy;

**NOW THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Whitehall, Montana to adopt Resolution 03-11 adopting additions to the 2009 Town of Whitehall Growth Policy.

AYES: 06      NAYES: 0      ABSENT: 0

M. J. Hensleigh      02-15-11  
\_\_\_\_\_  
Mayor, Mary Janacaro Hensleigh      Date

Darcy Perrenoud      02/15/2011  
\_\_\_\_\_  
Clerk, Darcy Perrenoud      Date

**RESOLUTION NO. 02-11**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL,  
MT ADOPTING AND APPROVING A DECREASE IN COMPENSATION  
LEVELS FOR MEMBERS OF THE WHITEHALL TOWN COUNCIL.**

**WHEREAS** the Whitehall Town Council created a Wage and Finance Committee to review compensation levels for the 2011 Fiscal Year and;

**WHEREAS** during a special meeting on October 27<sup>th</sup>, 2010 the Whitehall Town Council allowed for public input regarding compensation levels and;

**WHEREAS** it was the general consensus of those providing public input, that due to the depressed economy, compensation increases were inappropriate at the time and;

**WHEREAS** the during the October 27<sup>th</sup>, 2010 special meeting of the Whitehall Town Council it was unanimously agreed to lower the alderman/woman compensation from \$50 per meeting to \$40 per meeting and;

**WHEREAS** members of the Whitehall Town Council are paid on a quarterly basis and;

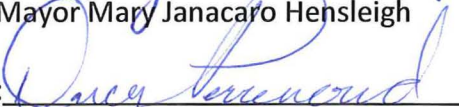
**WHEREAS** this compensation decrease shall be retroactive to January 1, 2011, with the start of the 3<sup>rd</sup> quarter

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Town Council of the Town of Whitehall, Montana, that effective January 1<sup>st</sup>, 2011 the Whitehall Town Council shall be compensated at a rate of \$40 per meeting.

APPROVED by the Whitehall Town Council this 15<sup>th</sup> day of February 2011.

AYES: 06 NAYES: 0 ABSENT: 0

SIGNED:   
Mayor Mary Janacaro Hensleigh

ATTEST:   
Clerk Darcy Perrenoud

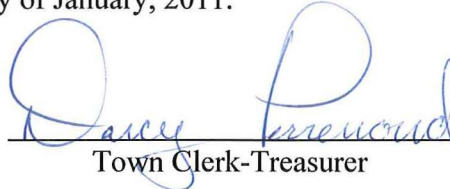
*Execution Copy*

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the Town of Whitehall, Montana (the "Town"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION OF THE TOWN OF WHITEHALL, MONTANA TO MODIFY THE BASIS ON WHICH SEWER CHARGES ARE IMPOSED AND TO INCREASE EXISTING RATES AND CHARGES FOR THE USERS OF THE MUNICIPAL SEWER SYSTEM" (the "Resolution"), on file in the original records of the Town in my legal custody; that the Resolution was duly adopted by the Town Council of the Town at a regular meeting on January 10, 2011, and that the meeting was duly held by the Town 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: Steve Antonioli, Gerry Keogh, Dave Torgerson and Todd Breitenfeldt; voted against the same: None; abstained from voting thereon: None; or were absent: Mac Smith.

WITNESS my hand officially this 10 day of January, 2011.

  
Town Clerk-Treasurer

RESOLUTION NO. 01-11

RESOLUTION OF THE TOWN OF WHITEHALL, MONTANA  
TO MODIFY THE BASIS ON WHICH SEWER CHARGES ARE  
IMPOSED AND TO INCREASE EXISTING RATES AND  
CHARGES FOR THE USERS OF THE MUNICIPAL SEWER  
SYSTEM

RECITALS

WHEREAS, the Town of Whitehall, Montana (the "Town") intends to issue sewer system revenue bonds in the estimated amount of approximately \$3,000,000 (the "Bonds") to pay a portion of the costs of designing and constructing improvements to the municipal sewer system of the Town (the "System") and the costs of issuance of the Bonds; and

WHEREAS, the Town will use the following grant funds to help reduce the cost of the project to be paid, in part, with the proceeds of the Bonds (the "Project"):

- a Department of Natural Resources and Conservation Renewable Resource Grant in the amount of \$100,000;
- a Treasure State Endowment Program Grant in the amount of \$750,000;
- a Rural Development Grant in the amount of \$750,000;
- a Water Resource Development Grant in the amount of \$230,000; and
- available Town wastewater funds in the amount of \$170,000; and

WHEREAS, it is necessary to collect sufficient revenues to repay said Bonds, pay costs associated with the operation and maintenance of the System, and establish appropriate reserves; and

WHEREAS, the Town is required to meet the discharge limits for the Town's Montana Pollution Discharge Elimination System permit issued by the Montana Department of Environmental Quality; and

WHEREAS, it is necessary to complete planning, funding applications, environmental review, land acquisition, design and construction of a replacement wastewater treatment and disposal system; and

WHEREAS, under Section 69-7-101, Montana Code Annotated, the Town has the power and authority to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by the municipal systems. Rates, charges, and classifications must be reasonable and just; and



WHEREAS, the Town Council (the "Council") has determined it is in the best interests of the Town to adjust the rates and charges for the use and availability of the System, to fund the anticipated debt service on bonds of the Town to pay for improvements to the System, to cover operation and maintenance costs of the improved System, and to establish necessary and appropriate reserves; and

WHEREAS, a notice of public hearing was mailed to all users of the Town's System notifying them that, pursuant to Resolution No. 06-10, adopted December 16, 2010, it was the intention of the Town to increase the rates and charges for users of the System and notice of public hearing was published as required by Section 69-7-111. A public hearing was held on January 10, 2011, at 7:00 p.m., at Town Hall, 2 North Whitehall Street, Whitehall, Montana, for the purpose of hearing comments from the public on the sewer rate increase; and

WHEREAS, all persons appearing were given an opportunity to speak at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Town Council (the "Council") of the Town as follows:

Section 1. Current Sewer Rate Charges. The Town charges users of the System a monthly rate and charge for sewer service (the "Sewer Rate Charge") based on a user classification. The current Sewer Rate Charge is a fixed rate as follows:

<u>Classification</u>	<u>Charge per Month</u>
Residential	\$12.00 base rate with unlimited flow
Business/Commercial	\$12.00 base rate up to 7,500 gallons and \$0.92 per 1,000 gallons for flows greater than 7,500 gallons.

Section 2. New Sewer Rate Charge. Effective as of the March 2011 billing, the Council will modify the Sewer Rate Charge, as follows:

*For residential services serving one (1) individual living unit:* Each service to a residential individual living unit will be assessed a charge of \$31.00 per month for metered water service flows up to 3,500 gallons per month plus \$1.50 per each additional 1,000 gallons of metered water service above the base volume (3,500 gallons per month). The service charges for the winter period (November through March) will be based on the metered water service for each month during the winter period. The service charges for the summer period (April through October) will be based on the average monthly metered water service for the previous five-month winter period.

*For residential services serving more than 1 individual living unit (apartment, mobile home unit, etc.):* For each service that serves more than one residential living unit, such as, without limitation, an apartment or mobile home unit, a charge will be assessed to each residential living unit served by the service. The charge assessed will be \$31.00 per month for each individual living unit for an aggregate base flow volume determined by multiplying 3,500 gallons per month by the number of living units; plus \$1.50 per each additional 1,000 gallons of metered water service volume greater than the base flow volume (3,500 gallons per month times

the number of units). The service charges for the winter period (November through March) will be based on the metered water service for each month during the winter period. The service charges for the summer period (April through October) will be based on the average monthly metered water service for the previous five-month winter period.

*For business/commercial services serving one (1) individual unit:* Each service to an individual business/commercial unit will be assessed a charge of \$31.00 per month multiplied by a factor based on the user classification included in the following table for metered water service flows up to 3,500 gallons per month times the user classification factor, plus \$1.50 per each additional 1,000 gallons of metered water service above the base volume for the specific user classification (3,500 gallons per month times user the classification factor). The service charges will be based on the metered water service from the month of use, except that the service charges for business/commercial services with landscape irrigation for the summer period (April through October) will be based on the average monthly metered water service for the previous five-month winter period (November through March).

User Classification Factor Schedule For Determining Base Rate and Base Flow		
Classification	Factor	Base Rate Determination
All user classification not specifically listed herein	1	Factor times \$31.00 per month per unit
Apartments	1	Factor times \$31.00 per month per unit
Bars	2	Factor times \$31.00 per month per unit
Car Wash (Rate Per Bay)	1.5	Factor times \$31.00 per month per unit
Fast Food Cafe	2	Factor times \$31.00 per month per unit
Hotel with Restaurant (25% of rooms times rate)	Factor = # of rooms divided by 4	Factor times \$31.00 per month per unit
Laundromat	5	Factor times \$31.00 per month per unit
Motels & RV Hookups	Factor = # of units divided by 4	Factor times \$31.00 per month per unit
Restaurant	2	Factor times \$31.00 per month per unit
RV Dump Station	2	Factor times \$31.00 per month per unit
Service Station With Store	2	Factor times \$31.00 per month per unit
Service Station With Wash Wrack	2.35	Factor times \$31.00 per month per unit

Any commercial user with average monthly metered flows (on annual basis) that exceed the base as determined by the above factors by > 7,000 gallons per month	Factor = monthly wastewater flow divided by 3,500	Factor times \$31.00 per month per unit
Any commercial user with average monthly metered flows (on annual basis) less than the base as determined by the above factors by > 7,000 gallons per month	Factor = monthly wastewater flow divided by 3,500	Factor times \$31.00 per month per unit

*For business/commercial services serving more than 1 individual unit (office or business):* For each service that serves more than one business/commercial unit, a charge will be assessed to each business/commercial unit served by the service. The charge assessed will be \$31.00 per month for each business or office unit for an aggregate base flow volume determined by 3,500 gallons per month times the number of units; plus \$1.50 per each additional 1,000 gallons of metered water service volume greater than the base flow volume (3,500 gallons per month times number of units). The service charges will be based on the metered water service from the month of use, except that the service charges for business/commercial services with landscape irrigation for the summer period (April through October) will be based on the average monthly metered water service for the previous five-month winter period (November through March).

*For School District services:* The School District will be assessed a base charge of \$1,496.00 per month (the equivalent of 44 residential users) for metered water service flows up to 154,000 gallons per month plus \$1.50 per each additional 1,000 gallons of metered water service above the base volume (154,000 gallons per month). The service charges will be based on the metered water service for the month of use, except that the service charges for the summer period (April through October) will be based on the average monthly metered water service for the previous five-month winter period (November through March).

Section 3. Determination of Annual Budget for System. Each year the Council of the Town shall determine the amount of money needed to pay the costs of the System including but not limited to: (a) the payment of the reasonable expense of operation and maintenance of the System; (b) administration of the System; (c) the payment of principal and interest on any bonded or other indebtedness of the System; and (d) the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time by the Council or as covenanted in the ordinance or resolution authorizing any outstanding bonds of the System. Based on the annual needs of the System, the Council will establish monthly charges for the use of the System.

Section 4. Further Rate Increases. Subsequent adjustments to the Sewer Rate Charge will be made by resolution of the Town Council duly adopted after a public hearing with notice thereof given as provided by law.

Passed and approved this 10th day of January, 2011.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk-Treasurer

RESOLUTION NO. 06-10

RESOLUTION OF INTENTION OF THE TOWN OF WHITEHALL,  
MONTANA TO MODIFY THE BASIS ON WHICH SEWER CHARGES ARE  
IMPOSED AND TO INCREASE EXISTING RATES AND CHARGES FOR  
THE USERS OF THE MUNICIPAL SEWER SYSTEM

RECITALS

WHEREAS, the Town of Whitehall, Montana (the "Town") intends to issue sewer system revenue bonds in the estimated amount of approximately \$3,000,000 (the "Bonds") to pay a portion of the costs of designing and constructing improvements to the municipal sewer system of the Town (the "System") and the costs of issuance of the Bonds; and

WHEREAS, the Town will use the following grant funds to help reduce the cost of the project to be paid, in part, with the proceeds of the Bonds (the "Project"):

- a Department of Natural Resources and Conservation Renewable Resource Grant in the amount of \$100,000;
- a Treasure State Endowment Program Grant in the amount of \$750,000;
- a Rural Development Grant in the amount of \$750,000;
- a Water Resource Development Grant in the amount of \$230,000; and
- available Town wastewater funds in the amount of \$170,000; and

WHEREAS, it is necessary to collect sufficient revenues to repay said Bonds, pay costs associated with the operation and maintenance of the System, and establish appropriate reserves; and

WHEREAS, the Town is required to meet the discharge limits for the Town's Montana Pollution Discharge Elimination System permit issued by the Montana Department of Environmental Quality; and

WHEREAS, it is necessary to complete planning, funding applications, environmental review, land acquisition, design and construction of a replacement wastewater treatment and disposal system; and

WHEREAS, it is necessary to collect sufficient revenues to pay professional services and costs associated with planning, design and construction of the System; and

WHEREAS, under Section 69-7-101, Montana Code Annotated, the Town has the power and authority to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by the municipal systems. Rates, charges, and classifications must be reasonable and just.

NOW, THEREFORE, BE IT RESOLVED by the Town Council (the "Council") of the Town as follows:

Section 1. Intent to Modify Rates and Charges. It is the intent of the Town to modify the basis on which sewer charges are imposed for the users of the System.

Section 2. Determination of Annual Budget for System. Each year the Council of the Town shall determine the amount of money needed to pay the costs of the System including but not limited to: (a) the payment of the reasonable expense of operation and maintenance of the System; (b) administration of the System; (c) the payment of principal and interest on any bonded or other indebtedness of the System; (d) the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time by the Council or as covenanted in the ordinance or resolution authorizing any outstanding bonds of the System; and (e) the payment of reasonable expenses for planning, design and construction of the new wastewater system. Based on the annual needs of the System, the Council will establish monthly charges for the use of the System.

Section 3. Current Sewer Rate Charges. The Town charges users of the System a monthly rate and charge for sewer service (the "Sewer Rate Charge") based on a user classification. The current Sewer Rate Charge is a fixed rate as follows:

<u>Classification</u>	<u>Charge per Month</u>
Residential	\$12.00 base rate with unlimited flow
Business/Commercial	\$12.00 base rate up to 7,500 gallons and \$0.92 per 1,000 gallons for flows greater than 7,500 gallons

Section 4. Proposed Sewer Rate Charge. Effective as of the Town's March 2011 billing, the Town proposes to modify the Sewer Rate Charge, as follows:

*For residential services serving one (1) individual living unit:* Each service to a residential individual living unit will be assessed a charge of \$31.00 per month for metered water service flows up to 3,500 gallons per month plus \$1.50 per each additional 1,000 gallons of metered water service above the base volume (3,500 gallons per month). The service charges for the winter period (November through March) will be based on the metered water service for each month during the winter period. The service charges for the summer period (April through October) will be based on the average monthly metered water service for the previous six-month winter period.

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<b>User Classification Factor Schedule For Determining Base Rate and Base Flow</b>		
<b>Classification</b>	<b>Factor</b>	<b>Base Rate Determination</b>
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Service Station With Store	2	Factor times \$31.00 per month per unit
Service Station With Wash Wrack	2.35	Factor times \$31.00 per month per unit
Any commercial user with average monthly metered flows (on annual basis) that exceed the base as determined by the above factors by > 7,000 gallons per month	Factor = monthly wastewater flow divided by 3,500	Factor times \$31.00 per month per unit
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*For School District services:* The School District will be assessed a base charge of \$1,496.00 per month (the equivalent of 44 residential users) for metered water service flows up to 154,000 gallons per month plus \$1.50 per each additional 1,000 gallons of metered water service above the base volume (154,000 gallons per month). The service charges will be based on the metered water service for the month of use, except that the service charges for the summer period (April through October) will be based on the average monthly metered water service for the previous six-month winter period (November through March).

It is estimated this proposed rate structure represents an increase in the current average Sewer Rate Charge in effect of approximately 266%.

Section 5. Public Hearing. A public hearing on the proposed rate increase will be held on January 10, 2011, commencing at 7:00 p.m. at Town Hall, 2 North Whitehall Street, Whitehall, Montana.

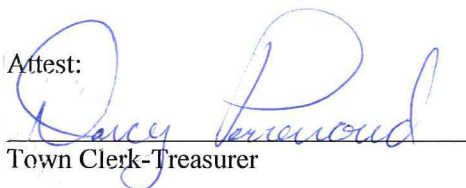
Section 6. Notice. The Town Clerk-Treasurer is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the *Whitehall Ledger*, a newspaper of general circulation in the Town, on December 22, 2010 December 29, 2010 and January 5, 2011, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said notice to all persons served by the System at least 7 days and not more than 30 days prior to the public hearing. The mailed notice must contain an estimate of the amount that the customer's average bill will increase. The Town Clerk is also authorized and directed to mail first class, postage prepaid, notice of all hearings to the Montana consumer counsel.

Section 7. Further Rate Increases. Subsequent adjustments to the Sewer Rate Charge will be made by resolution of the Town Council duly adopted after a public hearing with notice thereof given as provided by law.

Passed and approved this 16th day of December, 2010.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Town Clerk-Treasurer

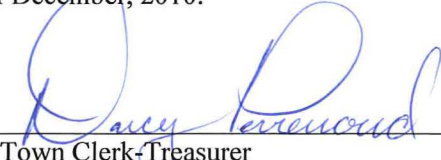


CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the Town of Whitehall, Montana (the "Town"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION OF INTENTION OF THE TOWN OF WHITEHALL, MONTANA TO MODIFY THE BASIS ON WHICH SEWER CHARGES ARE IMPOSED AND TO INCREASE EXISTING RATES AND CHARGES FOR THE USERS OF THE MUNICIPAL SEWER SYSTEM" (the "Resolution"), on file in the original records of the Town in my legal custody; that the Resolution was duly adopted by the Town Council of the Town at a special meeting on December 16, 2010, and that the meeting was duly held by the Town 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: Steve Antonioli, Gerry Keogh,  
Todd Breitenfeldt and David Torgerson ;  
voted against the same: None  
\_\_\_\_\_ ; abstained from voting thereon: \_\_\_\_\_  
None ; or were absent: \_\_\_\_\_  
Mac Smith .

WITNESS my hand officially this 16th day of December, 2010.

  
\_\_\_\_\_  
Town Clerk-Treasurer

**RESOLUTION NO. 05-10**

A resolution of the Town Council of the Town of Whitehall, Montana of its intention to notify certain facilities located within the Town of Whitehall that the Town water system has the capacity to provide a maximum of 2,500 gallons per minute (GPM) fire flow for a 2-hour duration. Any facility requiring a greater fire flow will need to install an appropriate automated fire suppression system to meet its fire flow requirement with application of the Uniform Fire Code fire flow reduction allowance where automated fire suppression systems are provided.

WHEREAS, the Town of Whitehall has a maximum fire protection coverage of 2,500 GPM for a 2-hour duration;

WHEREAS, the Town of Whitehall recognizes that certain structures will require more fire flow exceeding that which can be provided by the Town water system;

WHEREAS, the Town hereby notifies all residents and owners of facilities in the Town of Whitehall that if they anticipate that they may require more fire protection coverage than the Town can provide they will need to install appropriate fire suppression systems to address the difference in flow rates.

BE IT RESOLVED by the Town Council of the Town of Whitehall, County of Jefferson, State of Montana, that, residents and property owners within the Town of Whitehall are hereby notified that maximum fire protection available from the Town water system will be 2,500 GPM for a 2-hour duration. Owners of property requiring more fire flow than is available through the Town water system are advised and encouraged to install fire suppression systems to address the needs in accordance with the Uniform Fire Code.

PASSED AND APPROVED on this 27<sup>th</sup> day of October, 2010

M. J. Hensleigh, 10-29-10  
Mary Janacro Hensleigh, Mayor Date

Darcy Perrenoud, 10-29-2010  
Darcy Perrenoud, Clerk Date

## RESOLUTION 04-10

The Concerned Citizens Montana (CCM) petitions the Whitehall Town Council (Council) to appoint CCM as an advisory group for purposes of investigating the impacts on the Town of Whitehall of the Mountain States Transmission Intertie (MSTI).

**WHEREAS**, the Council has determined that the proposed route of MSTI through the Whitehall-Jefferson Valley area is problematic for preservation of the view shed, the private property rights, and is contrary to the will of the area residents, and

**WHEREAS**, the Montana Department of Environmental Quality, the U.S. Bureau of Land Management, and all other state and federal agencies with input or decision-making authority have failed to consult with the Council as to its local and unique knowledge of the Whitehall-Jefferson Valley area and its resources, and

**WHEREAS**, the Council has limited professional and financial resources to conduct the in-depth investigation necessary to inform the Council, and

**WHEREAS**, CCM is a five county coalition of citizens comprised of a diverse group of professionals, ranchers, business people, second home owners and concerned citizens that have studied the MSTI project in the limited time provided, and

**WHEREAS**, CCM has the human resources with various expertise pertinent to further the investigation into this MSTI project and its impact on the Whitehall-Jefferson Valley area and its residents, and

**WHEREAS**, CCM agrees to keep the Council timely informed of all actions and proposals during the NEPA process and that CCM will act according to any direction given to it by the Council as required by law,

**THEREFORE, IT IS HEREBY RESOLVED** as follows:

The Council, by this Resolution, recognizes CCM as an advisory group for purposes of providing the Council with local knowledge, community insight and economic analysis of the MSTI impacts on the Whitehall-Jefferson Valley area and its residents.

The Council appoints and authorizes CCM to interact, cooperate and coordinate with the federal and state governmental agencies in developing the NEPA and other necessary permitting and decision-making documents as Whitehall Town Council's representative.

All final decision-making authority will be reserved to the Council.

PASSED AND ADOPTED by the Whitehall Town Council this 27<sup>th</sup> day of October 2010.

AYES: 05      NAYES: 0      ABSENT: 01

M. J. Hensleigh      10-29-10  
\_\_\_\_\_  
Mayor Mary Janacaro Hensleigh      Date

Darcy Perrenoud      10-29-2010  
\_\_\_\_\_  
Clerk Darcy Perrenoud      Date

# RESOLUTION 03-10

A resolution of the Town Council of the Town of Whitehall, Montana relating to the approval of the FY 2011 final budget and mill levies.

**BE IT RESOLVED** by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council approves the FY 2011 final budget in the amount of Four Hundred Seventy Nine Thousand, Eight Hundred Forty Three dollars and no cents (\$479,843.00), establishing a general fund mill levy of 111.78.

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Whitehall, Montana, County of Jefferson, State of Montana, that the Town Council approves the FY 2011 final budget of \$19,808.32 (Nineteen Thousand, Eight Hundred Eight Dollars and 32 cents), for the 19.12 voter established mill levy for debt service purposes on the fire engine.

PASSED AND APPROVED THIS 13th DAY OF SEPTEMBER, 2010.

AYES: 06 NAYES: 0 ABSENT: 0

M. J. Hensleigh, 09-14-10  
Mayor Mary Janacaro Hensleigh Date

Darcy Perrenoud, 09-14-2010  
Clerk/Treasurer Darcy Perrenoud Date

**RESOLUTION NO. 02-10**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITEHALL,  
MT ADOPTING AND APPROVING A WAGE INCREASE FOR CERTAIN  
EMPLOYEES OF THE TOWN OF WHITEHALL.**

**WHEREAS** the Town of Whitehall Wage and Finance Committee has determined, through the Bureau of Labor Statistics, that the cost-of-living increase for fiscal year 2011 is 2% and;

**WHEREAS** the Whitehall Pool Commission sets pay rates for all pool employees, therefore exempting them from this increase and;

**WHEREAS** this wage increase shall be retroactive to July 1, 2010,

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Town Council of the Town of Whitehall, Montana, that all public works and administration employees and Whitehall Volunteer Ambulance personnel for the Town of Whitehall shall receive a cost-of-living increase in the amount of 2%, retroactive to July 1<sup>st</sup>, 2010. Be it also resolved that the Whitehall Community Pool employees shall be exempt from this increase.

APPROVED by the Whitehall Town Council this 9<sup>th</sup> day of August 2010.

AYES: 03      NAYES: 02      ABSENT: 01

SIGNED: \_\_\_\_\_

*M. J. Hensleigh*  
Mayor Mary Janacaro Hensleigh

ATTEST: \_\_\_\_\_

*Darcy Perrenoud*  
Clerk Darcy Perrenoud

RESOLUTION NO. 01-10

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

BE IT RESOLVED BY THE Town Council (the Governing Body) OF THE TOWN OF WHITEHALL (the Borrower) AS FOLLOWS:

ARTICLE I

DETERMINATIONS AND DEFINITIONS

Section 1.01. Definitions. The following terms will have the meanings indicated below for all purposes of this Resolution unless the context clearly requires otherwise. Capitalized terms used in this Resolution and not defined herein shall have the meanings set forth in the Loan Agreement.

Adjusted Interest Rate means the rate of interest on the Bonds determined in accordance with the provisions of Section 3.03 of the Indenture.

Authorized Representative shall mean the officers of the Borrower designated and duly empowered by the Governing Body and set forth in the application.

Board shall mean the Board of Investments of the State of Montana, a public body corporate organized and existing under the laws of the State and its successors and assigns.

Board Act shall mean Section 2-15-1808, Title 17, Chapter 5, Part 16, MCA, as amended.

Bonds shall mean the Bonds issued by the Board pursuant to the Indenture to finance the Program.

Borrower shall mean the Borrower above named.

Indenture shall mean that certain Indenture of Trust dated March 1, 1991 by and between the Board and the Trustee pursuant to which the Bonds are to be issued and all supplemental indentures thereto.

Loan means the loan of money by the Board to the Borrower under the terms of the Loan Agreement pursuant to the Act and the Borrower Act and evidenced by the Note.

Loan Agreement means the Loan Agreement between the Borrower and the Board, including any amendment thereof or supplement thereto entered into in accordance with the provisions thereof and hereof.

Loan Agreement Resolution means this Resolution or such other form of resolution that the Board may approve and all amendments and supplements thereto.

Loan Date means the date of closing a Loan.

Loan Rate means the rate of interest on the Loan which is initially 1.95% per annum through February 15, 2011 and thereafter a rate equal to the Adjusted Interest Rate on the Bonds and up to 1.5% per annum as necessary to pay Program Expenses.

Note means the promissory note to be executed by the Borrower pursuant to the Loan Agreement, in accordance with the provisions hereof and thereof, in substantially the form set forth in the Promissory Note, or in such form that may be approved by the Board.

Program shall mean the INTERCAP Program of the Board pursuant to which the Board will issue and sell Bonds and use the proceeds to make loans to participating Eligible Government Units.

Project shall mean those items of equipment, personal or real property improvements to be acquired, installed, financed or refinanced under the Program as set forth in the Description of the Project/Summary of Draws.

Trustee shall mean U.S. Bank National Association (formerly known as First Trust Company of Montana National Association) and its successors.

Section 1.02. Authority. The Borrower is authorized to undertake the Project and is further authorized by the Borrower Act to enter into the Loan Agreement for the purpose of obtaining a loan to finance or refinance the acquisition and installation costs of the Project.

Section 1.03. Execution of Agreement and Delivery of Note. Pursuant to the Indenture and the Board Act, the Board has issued and sold the Bonds and deposited a part of proceeds thereof in the Loan Fund held by the Trustee. The Board has, pursuant to the Term Sheet, agreed to make a Loan to the Borrower in the principal amount of \$99,894.00 and upon the further terms and conditions set forth herein, and as set forth in the Term Sheet and the Loan Agreement.

## ARTICLE II

### THE LOAN AGREEMENT

Section 2.01. Terms. (a) The Loan Agreement shall be dated as of the Loan Date, in the principal amount of \$99,894.00 and shall constitute a valid and legally binding obligation of the Borrower. The obligation to repay the Loan shall be evidenced by a Promissory Note. The Loan shall bear interest at the initial rate of 1.95% per annum through February 15, 2011 and thereafter at the Adjusted Interest Rate, plus up to 1.5% per annum as necessary to pay the cost of administering the Program (the Program Expenses). All payments may be made by check or wire transfer to the Trustee at its principal corporate trust office.

(b) The Loan Repayment Dates shall be February 15 and August 15 of each year.

(c) The principal amount of the Loan may be prepaid in whole or in part provided that the Borrower has given written notice of its intention to prepay the Loan in whole or in part to the Board no later than 30 days prior to the designated prepayment date.

(d) The Prepayment Amount shall be equal to the principal amount of the Loan outstanding, plus accrued interest thereon to the date of prepayment.

(e) Within fifteen days following an Adjustment Date, the Trustee shall calculate the respective amounts of principal and interest payable by each Borrower on and with respect to its Loan Agreement and Note for the subsequent August 15 and February 15 payments, and prepare and mail by first class mail a statement therefor to the Borrower.



Section 2.02. Use and Disbursement of the Proceeds. The proceeds of the Loan will be expended solely for the purposes set forth in the Description of the Project/Summary of Draws. The proceeds from the sale of the Note to the Board shall remain in the Borrower's Account pending disbursement at the request of the Borrower to pay the budgeted expenditures in anticipation of which the Note was issued. Requests for disbursement of the Loan shall be made to the Board. Prior to the closing of the Loan and the first disbursement, the Borrower shall have delivered to the Trustee a certified copy of this Resolution, the executed Loan Agreement and Note in a form satisfactory to the Borrower's Counsel and the Board's Bond Counsel and such other certificates, documents and opinions as set forth in the Loan Agreement or as the Board or Trustee may require. The Borrower will pay the loan proceeds to a third party within five business days after the date they are advanced (except for proceeds to reimburse the Borrower for previously paid expenditures, which are deemed allocated on the date advanced).

Section 2.03. Payment and Security for the Note. In consideration of the making of the Loan to the Borrower by the Board, the provisions of this Resolution shall be a part of the Agreement of the Borrower with the Board. The provisions, covenants and Agreements herein set forth to be performed by or on behalf of the Borrower shall be for the benefit of the Board. The Loan Agreement and Note shall constitute a valid and legally binding obligation of the Borrower and the principal of and interest on the Loan shall be payable from the general fund of the Borrower, and any other money and funds of the Borrower otherwise legally available therefor. The Borrower shall enforce its rights to receive and collect all such taxes and revenues to insure the prompt payment of the Borrower obligations hereunder.

Section 2.04. Representation Regarding the Property Tax Limitation Act. The Borrower recognizes and acknowledges that the amount of taxes it may levy is limited by the state pursuant to Section 15-10-402, et. seq. (the Property Tax Limitation Act). The Borrower is familiar with the Property Tax Limitation Act and acknowledges that the obligation to repay the Loan under the Agreement and Note are not exceptions to the provisions of the Property Tax Limitation Act. The Borrower represents and covenants that the payment of principal of and interest on the Loan can and will be made from revenues available to the Borrower in the years as they become due, notwithstanding the provisions of the Property Tax Limitation Act.

Section 2.05. Levy and Appropriate Funds to Repay Loan. The Borrower agrees that in order to meet its obligation to repay the Loan and all other payments hereunder that it will budget, levy taxes for and appropriate in each fiscal year during the term of the Loan an amount sufficient to pay the principal of and interest hereon within the limitations of the Property Tax Limitation Act, as may be amended, and will reduce other expenditures if necessary to make the payments hereunder when due.

### ARTICLE III

#### CERTIFICATIONS, EXECUTION AND DELIVERY

Section 3.01. Authentication of Transcript. The Authorized Representatives are authorized and directed to prepare and furnish to the Board and to attorneys approving the validity of the Bonds, certified copies of this Resolution and all other resolutions and actions of the Borrower and of said officers relating to the Loan Agreement, the Note, and certificates as to all other proceedings and records of the Borrower which are reasonably required to evidence the validity and marketability of the Note. All such certified copies and certificates shall be deemed the representations and recitals of the Borrower as to the correctness of the statements contained therein.

Section 3.02. Legal Opinion. The attorney to the Borrower is hereby authorized and directed to deliver to the Board at the time of Closing of the Loan his or her opinion regarding the Loan, the Loan Agreement, the Note and this Resolution in substantially the form of the opinion set forth in the Attorney's Opinion.

Section 3.03. Execution. The Loan Agreement, Note, and any other document required to close the Loan shall be executed in the name of the Borrower and shall be executed on behalf of the Borrower by the signatures of the Authorized Representatives of the Borrower.

PASSED AND APPROVED by the Whitehall Town Council this 12 day of July, 2010.

By M. J. Hensleif  
Its Mayor

Attest:  
By Danny Leonard  
Its Clerk-Treasurer