

The County Clerk is also hereby ordered to deliver to the Lewis and Clark County Treasurer a certified copy of this and the within and foregoing Resolution No. 1978-28 within two days after its passing.

PASSED AND ADOPTED THIS 12th day of July, 1978.

/s/ Chris Gardner, Chairman  
Board of County Commissioners

ATTEST: /s/ Helen Kovich, Clerk

/s/ Milan Kovich, Board Member  
/s/ John H. Wilkinson, Board Member

Recorded with Lewis & Clark County Clerk and Recorder, Book 116, Page 462

RESOLUTION NO. 1978-30

A RESOLUTION PURSUANT TO STATUTORY REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO THE BOARD'S DUTY TO ADEQUATELY AND SUITABLY MAINTAIN AND PRESERVE THE IMPROVEMENT AND TO FULLY KEEP THE SAME IN PROPER REPAIR AND OPERATION WITHIN RURAL SPECIAL IMPROVEMENT DISTRICT NO. 1978-1 BY PROVIDING THAT A NON-PROFIT CORPORATION FOR THAT SAID PURPOSE SHALL UNDERTAKE THE ADMINISTRATION AND MANAGEMENT OF SAID DISTRICT SUBJECT TO THE SUPERVISION AND REVIEW OF THE BOARD OF COUNTY COMMISSIONERS AS THE DUTY OF THE SAID BOARD IS SET FORTH IN THE STATUTES.

WHEREAS, the Board of County Commissioners did on the 5th day of April, 1978, create a Rural Special Improvement District No. 1978-1 for the purpose, in part, of constructing and installing a sanitary sewer collection system and sewage treatment plant, together with appurtenances and hereditaments there required or necessary and a water plant and distribution system, together with any appurtenances and hereditaments there required or necessary, (the "water system and the sewage system") within the boundaries of the said District, reference being made to the resolution creating the same; and,

WHEREAS, the said District shall be maintained, preserved, repaired and operated in accordance with the laws of the State of Montana and particularly Revised Codes of Montana, 1947, as amended, Section 16-1619, and it is the responsibility of the said Board to adequately and suitably maintain and preserve the said improvements so acquired and to fully keep the same in proper repair and operation; and,

WHEREAS, as to the water system and the sewage system, it is the contemplation and anticipation of the Commission that the same are not within the capacity of the County offices and particularly of this Board for suitable and adequate maintenance and preservation and proper repair and operation; and,

WHEREAS, a non-profit corporation has been organized under the laws of the State of Montana, the same being known as the "Eastgate Village Water and Sewer Association" whose sole and only objective is the adequate and suitable maintenance and preservation of the District as its and their proper repair and operation; and,

WHEREAS, the Board of County Commissioners deem it suitable, proper and necessary that said corporation undertake maintenance, preservation, repair and operation of the water system and the sewage system subject to the supervision, review, and control of the Board of County Commissioners; and,

WHEREAS, a proposed Agreement between the Eastgate Village Water and Sewer Association and Lewis and Clark County for the maintenance, preservation, repair and operation of the water system and the sewage system of the said District has been presented to this Board.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lewis and Clark County, Montana, in regular meeting that the said Agreement is hereby authorized adopted and agreed to according to its terms.

PASSED by the Board of County Commissioners this 27th day of June, 1978.

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY

/s/ Chris Gardner  
Milan Kovich  
John H. Wilkinson

ATTEST: /s/ Helen Kovich, Clerk of the Board

Resolution No. 1978-30 Recorded with Office of the County Clerk and Recorder, Book 116, Page 463.

AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of June, 1978, by and between LEWIS AND CLARK COUNTY, MONTANA (hereinafter the "County"), and EASTGATE VILLAGE WATER AND SEWER

1. The Association from and after the date hereof undertakes as its responsibility all of the maintenance, repair and operation of the water system and the sewage system within the boundaries of Rural Special Improvement District No. 1978-1 as described on the official plat of said District on file with the Clerk and Recorder of the County.
2. The Directors of the Association shall be at all reasonable times available for the purpose of consultation with the Board of Commissioners or members thereof and, in the event the Board of Commissioners deem action taken or contemplated to be taken contrary to the best interests of the District, the said Board of Directors shall be deemed only an advisory committee to the Board of County Commissioners, and the decision of the Board of County Commissioners in any respect shall be final.
3. The Board of Directors and the Association shall be deemed the employer of all persons, managers, assistant managers or other individuals by them deemed necessary in the discharge of the obligations undertaken by the Association with respect to the water system and the sewage system; however, the Association shall keep records of and make known to the Board of County Commissioners all employees and their capacity with the Association upon request.
4. The Association shall be obligated to and responsible for the collection of all fees, other charges for services rendered, and financial matters concerning the repair, maintenance, preservation and operation of the water system and the sewage system. The books of the Association shall reasonably reflect all said transactions and shall be open to the inspection of the Board of County Commissioners, or their designee, at all reasonable times.
5. The Association shall from time to time determine the charges reasonably necessary for the proper preservation, maintenance, repair and operation of the water system and the sewage system; and shall impose an amount sufficient to defray such expenses together with the administrative costs of the corporate operation and shall advise the County Commissioners from time to time of said charges so contemplated. The Association shall undertake a reasonable method of collecting said charges and may utilize liens, termination of service, or other routine and ordinary measures to enforce the collection of the same.
6. The Association shall obtain adequate liability insurance coverage, and will provide for workmen's compensation coverage for its employees. Such expenses are deemed and may be considered by the Association as administrative expenses to be collected and defrayed from charges made to the owners for service rendered to them.
7. This Agreement may be cancelled by the County upon sixty (60) days written notice to the Association.

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY

/s/ Chris Gardner, Chairman  
Milan Kovich, Member  
John H. Wilkinson, Member

TEST: /s/ Helen Kovich, Clerk & Recorder

EASTGATE VILLAGE WATER AND  
SEWER ASSOCIATION

By: /s/ William M. Kessner, President

Filed with County Clerk & Recorder  
Book 116, Page 465

RESOLUTION NO. 1978-31

RESOLUTION PURSUANT TO STATUTORY REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO THE BOARD'S DUTY TO ADEQUATELY AND SUITABLY MAINTAIN AND PRESERVE THE IMPROVEMENT AND TO FULLY KEEP THE SAME IN PROPER REPAIR AND OPERATION WITHIN RURAL SPECIAL IMPROVEMENT DISTRICT NO. 1978-1 BY PROVIDING THAT A NON-PROFIT CORPORATION FOR THAT SAID PURPOSE SHALL UNDERTAKE THE ADMINISTRATION AND MANAGEMENT OF SAID DISTRICT SUBJECT TO THE SUPERVISION AND REVIEW OF THE BOARD OF COUNTY COMMISSIONERS AS THE DUTY OF THE SAID BOARD IS SET FORTH IN THE STATUTES.

WHEREAS, the Board of County Commissioners did on the 5th day of April, 1978, create Rural Special Improvement District No. 1978-1 for the purpose, in part, of landscaping and developing park areas and common areas within the boundaries of the said District, reference being made to the resolution creating the same; and,

WHEREAS, the said District shall be maintained, preserved, repaired and operated in accordance with the laws of the State of Montana and particularly Revised Codes of Montana, 1947, as amended, Section 16-1619, and it is the responsibility of the said Board to adequately and suitably maintain and preserve the said improvements so acquired and to fully keep the same in proper repair and operation; and,

WHEREAS, as to the park areas and common areas, it is the contemplation and anticipation of the Commission that the same are not within the capacity of the County offices and particularly of this Board for suitable and adequate maintenance and preservation and proper repair and operation; and,

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY

/s/ Chris Gardner  
Milan Kovich  
John H. Wilkinson

TEST:  
s/ Helen Kovich, Clerk of the Board

Filed with Clerk and Recorder  
Book 116, Page 470

RESOLUTION NO. 1978-32

A RESOLUTION ACCEPTING THE BID OF ZOOK BROTHERS CONSTRUCTION COMPANY AND AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE COUNTY COMMISSIONERS OF THE COUNTY OF LEWIS AND CLARK, MONTANA, TO EXECUTE A CONTRACT WITH ZOOK BROTHERS CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF IMPROVEMENTS IN RURAL SPECIAL IMPROVEMENT DISTRICT NO. 1978-1.

BE IT RESOLVED by the Board of County Commissioners of Lewis and Clark County, Montana:

That the bid of Zook Brothers Construction Company, of Great Falls, Montana, be and the same hereby is, accepted; and the Chairman of the Board of County Commissioners of Lewis and Clark County, Montana, be and he is hereby authorized and directed to execute a contract with Zook Brothers Construction Company for the construction of improvements in Rural Special Improvement District No. 1978-1, a copy of which is on file in the office of the Clerk and Recorder, is hereby referred to and by this reference made a part hereof.

PASSED and effective on this 27th day of June, 1978.

/s/ Chris Gardner, Chairman  
Board of County Commissioners  
John H. Wilkinson, Member  
Milan Kovich, Member

TEST: /s/ Helen Kovich, Clerk & Recorder

Filed with Clerk and Recorder  
Book 116, Page 473

RESOLUTION NO. 1978-33

A RESOLUTION ACCEPTING THE BID OF D. A. DAVIDSON & CO. FOR THE SALE OF BONDS UNDER RURAL SPECIAL IMPROVEMENT DISTRICT NO. 1978-1 OF THE COUNTY OF LEWIS AND CLARK, MONTANA, AND AUTHORIZING THE ISSUANCE OF SAID BONDS.

WHEREAS, The County of Lewis and Clark, Montana, called for bids for the sale of bonds to finance Rural Special Improvement District No. 1978-1 of the County of Lewis and Clark, Montana; and

WHEREAS, D. A. Davidson & Co. presented its bid in the sum of \$1,478,000 at a price of par plus accrued interest from the date of said bonds to the date of delivery, the bonds bearing an interest coupon rate of 6.90% per annum; and

WHEREAS, D. A. Davidson & Co. was the lowest and best bidder thereon.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Lewis and Clark, Montana:

That the bid of D. A. Davidson & Co. for the purchase of rural special improvement district bonds for Rural Special Improvement District No. 1978-1 of the County of Lewis and Clark, Montana, in the sum of \$1,478,000 at par with interest at the rate of 6.90% per annum to be dated June 1, 1978, in conformance with the resolution providing for the issuance and sale of said bonds and the notice of sale thereof, be and the same hereby is, accepted, and the Chairman of the Board of County Commissioners of the County of Lewis and Clark, Montana, be and is hereby authorized and directed to issue said bonds as provided by law.

PASSED and effective this 27th day of June, 1978.

/s/ Chris Gardner, Chairman  
Milan Kovich, Member  
John H. Wilkinson, Member

TEST: /s/ Helen Kovich, Clerk & Recorder

Filed with Clerk and Recorder,  
Book 116, Page 487