

**MISSOULA COUNTY**  
**INDUSTRIAL DEVELOPMENT REVENUE BONDS**

Policies and Procedures as Adopted by Resolution #82-15

**I. STATEMENT OF POLICY**

The Montana Industrial Development Projects Act of 1965 authorizes counties to issue limited obligation revenue bonds to fund certain types of industrial development projects associated with economic development and determined to be in the public interest; such bonds are commonly referred to as "Industrial Development Revenue Bonds".

Missoula County subscribes to the objective of advancing the economic well-being of the community, consistent with other goals affecting its quality of life, through efforts designed to strengthen the County's economic base and subsequently its overall economy. To this end, it is intended that the program focus primarily on projects involving (1) export (or primary or basic) industries that market their goods and services predominantly outside the County, and (2) industries which reduce the need for imports, thereby promoting the strengthening of the economic base through possible diversification and expansion.

Further, the County wishes to promote creative and constructive use of Industrial Development Revenue (IDR) Bonds for projects that meet and enhance the interests of both the public as a whole and the particular applicant. To this end, the County extends its full cooperation to each applicant, with the intention that County employees provide assistance in a timely manner to any individual developing an application and that they communicate with the applicant during any review process.

**II. ELIGIBILITY AND EVALUATION OF IDR BOND PROPOSALS**

**A. Requirements (Mandatory)**

1. Upon completion, the project will have complied with all applicable local, state, and federal laws and regulations.
2. The proceeds from the bond sale will be used only for:
  - a. Purchase of real estate (land and buildings).
  - b. Construction of buildings.
  - c. Purchase and installation of machinery and equipment (including pollution control systems).
  - d. Fees associated with the project, as described in Section 90-5-109 M.C.A.

3. The proceeds will be used for an industrial enterprise or project located within Missoula County.
- B. Supplemental Considerations (Beneficial and Adverse)
1. Public comment.
  2. Impact of the project on the County's economic base.
    - a. Impact will be evaluated in terms of the potential for diversification or expansion of the economic base, with the intention of focusing primarily on projects involving (1) export industries (which market goods and services predominantly outside the County); and (2) industries which reduce the need for imports.  
 Export industries would include, but not be limited to, the following:
      - (1) Manufacturing (for example, lumber and wood products manufacturing, food product manufacturing, primary metals refining, printing and publishing, minerals refining, etc.)
      - (2) Mining and minerals exploration.
      - (3) Agricultural production.
      - (4) Hotel and motel lodging (for nonresidents).
      - (5) Regional (multistate or multicounty) medical facilities.
      - (6) National or regional (multistate or multicounty) headquarters office buildings and operations centers.
      - (7) Interstate or intercounty transportation.
      - (8) Tourist, recreation and convention facilities.
    - b. Any use not meeting the above criteria would require demonstration that the project would result in a positive long term impact on the local economy or tax base rather than a redistribution of the existing economic base.
  3. Impact of the project on new and existing public services.
  4. Potential for employment of area residents during construction and operation and for training or retraining for such employment if such training is necessary.
  5. Utilization of technology which conserves energy, uses area resources, or increases productivity.
  6. Impact on the environment, including air and water quality.
  7. Whether the applicant will provide adequate assurances of compliance with MCA 18-2-402 during the construction phase of the project and compliance with all other applicable labor, equal opportunity and affirmative action laws and regulations.

### **III. PROCEDURES**

#### **A. Application**

1. The process of obtaining IDR Bonds is initiated by an application to the County Commissioners.
2. The application will be in writing and will include:
  - a. The name, address, and phone number of the applicant, the applicant's project representative, the applicant's bond counsel, and the applicant's parent company, if any.
  - b. A brief history and description of the applicant's business.
  - c. A short description of the project and a map showing its location.
  - d. A letter from investor(s), a financial institution or an underwriting firm stating that purchase of the applicant's bonds is being given, or will receive, active consideration.
  - e. A narrative which addresses the criteria in Section II, except for public comment (Section II.B.1).
  - f. Any other information regarding the project which will demonstrate that the project is in the public interest.
3. Upon receipt of an application, the County Commissioners will arrange a meeting with the applicant within ten (10) working days to discuss the project.
4. Following the meeting with the applicant, the Commissioners will:
  - a. Determine that there is sufficient merit in the application that a public hearing should be held to determine whether or not the project is in the public interest; or
  - b. Request additional information from the applicant; or
  - c. Determine to give no further consideration to the project.

#### **B. Review Prior to Hearing**

If the County Commissioners order that a hearing be held on the application, the following steps will be taken prior to the public hearing:

1. A date for the hearing will be set at least four (4) weeks, but not more than six (6) weeks, from the date of the order.
2. Notice of the hearing will be given by publication for at least three (3) consecutive Sundays preceding the hearing, and such notice will state that the application is available to the public for inspection at the Commissioners' Office in the Missoula County Courthouse.

3. A copy of the application will be forwarded to the Missoula Planning Office to review for compliance with the criteria listed in Section II (A and B).
  - a. The Planning Office staff will solicit review and comment from such public agencies as may be necessary to provide the Commissioners with a written report of its observations and recommendations regarding the project's compliance with the noted criteria.
  - b. Copies of the written staff report will be made available to the applicant and any other person who has requested same no later than 3:00 p.m., five (5) working days prior to the scheduled hearing.

C. Public Hearing

At the time and place set for the hearing, the County Commissioners will open the hearing and do the following:

1. Place in the record the application and any written comments received regarding that application.
2. Receive a presentation from the applicant regarding the project and place in the record any materials presented by the applicant.
3. Receive a presentation from the Missoula Planning Office staff and place its report in the record.
4. Receive any other comments in support of the project and place in the record any materials presented.
5. Receive comments in opposition to the project and place in the record any materials presented.
6. Receive any rebuttal offered.

D. Commission Action

Within ten (10) working days following the hearing, the Commissioners will have completed an assessment of the project based on the criteria in Section II and will proceed to take one of the following actions:

1. Determine that the project as proposed is in the public interest and act by resolution to provide notice of same.
2. Determine that, subject to specific conditions, the project is in the public interest and act by resolution to provide notice of same.
3. Determine that additional information is required in order to make a decision, in which case the hearing will be recessed to a date and time certain when the Commissioners will reconvene and accept the additional information together with any information offered to rebut specifically the material presented.
4. Determine that the project is not in the public interest and act by resolution to provide notice of same.

#### **IV. FEES**

The applicant will pay an initial fee of \$500. In addition, the applicant will pay all actual clerical and review expenses and costs incurred with the sale and issuance of the bonds.

#### **V. MANDATORY REVIEW**

This resolution will be reviewed and reevaluated every two (2) years following its enactment and shall require a public hearing.