



# LINCOLN COUNTY MONTANA

## Resolution 2018-21

### A RESOLUTION AMENDING THE PROVISIONS CREATING AND AUTHORIZING THE TOBACCO VALLEY INDUSTRIAL PARK BOARD OF CITIZENS

#### THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY, MONTANA FINDS:

1. The Tobacco Valley Business Park Industrial District (TVID) was created by the Board of County Commissioners through the adoption of Resolutions 766, dated December 13, 2006.
2. Resolution 837-A, adopted by the Board on January 27, 2010, provided for the creation of a Board of Citizens of Lincoln County to administer the TVID, to assist in the development, attraction, and retention of secondary, value-adding industrial manufacturing and agricultural-based companies.
3. The TVID has since expanded its mission, currently working to provide opportunities for both industrial and technology-based businesses to be developed without the risk and expense of normal startups. The TVID supports and promotes the development of industries and manufacturing within the communities of North Lincoln County, helping businesses create jobs for the overall economic improvement and vitality of the area.
4. The TVID Board has determined that it is necessary to revise the terms outlined within Resolution 837-A. This Resolution is intended to replace Resolution 837-A.

#### THE BOARD RESOLVES:

1. The Board of Citizens known as the Tobacco Valley Business Park Industrial District Board (TVID Board) has been appointed and is authorized to exercise any of the following powers:
  - a. To undertake and carry out industrial infrastructure development projects as approved by the Board of County Commissioners;
  - b. To make and execute contracts, other than contracts for the purchase or sale of real property;
  - c. To disseminate industrial development information;

277283 BOOK: PF PERM/FILES PAGE: 14398 Pages: 5

STATE OF MONTANA LINCOLN COUNTY

RECORDED: 12/06/2018 10:36 KOI: RESOLUTION

ROBIN A. BENSON CLERK AND RECORDER

BY: *[Signature]*  
FEE: \$0.00

FOR: LINCOLN COUNTY COMMISSIONERS



## LINCOLN COUNTY MONTANA

- d. To enter any building or property in any industrial district in order to make surveys and appraisals in the manner specified by law;
  - e. To improve, clear, or prepare for development or redevelopment any real or personal property in the industrial district;
  - f. To insure real or personal property as provided by law;
  - g. To effectuate industrial infrastructure development project plans;
  - h. To conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of industrial infrastructure development projects;
  - i. To negotiate for the acquisition of land;
  - j. To study the closing, vacating, planning or re-planning of streets, roads, sidewalks, ways, railroad spurs, sewer lines, sewer treatment facilities, waterlines, waterways, water treatment facilities, or other places and to make recommendations with respect thereof;
  - k. To organize, coordinate, and direct the administration of the provisions of this section including the hiring or contracting for the necessary staff to do so;
  - l. To perform any duties the Board of County Commissioners direct;
  - m. To exercise any other powers prescribed by law, as authorized by the Board of County Commissioners.
2. Appointment and Terms of Board of Citizens Members:
- a. The TVID Board of Citizens (TVID Board) will consist of 5 to 7 members, at the discretion of the Board of County Commissioners and upon recommendation of the TVID Board.
  - b. In addition to the 5 to 7 seated members, the TVID Board will also include 1 ex officio position filled by a member of the Board of County Commissioners, as appointed by that Board.



# LINCOLN COUNTY MONTANA

- c. Current members of the TVID Board will continue to serve the duration of their respective 4-year terms, as previously appointed.
- d. All appointments to the TVID Board will be made by the Board of County Commissioners. Each appointment will be for a 4-year term. A certificate of the appointment or re-appointment of any board member will be filed with the Lincoln County Clerk and Recorder. This certificate will be conclusive evidence of the appointment of each board member.
- e. Any persons may be appointed as board members if they are residents and qualified electors of Lincoln County.
- f. The TVID Board will review applicants for each open TVID Board position and make recommendations to the Board of County Commissioners for appointment based on experience, knowledge of the TVID, and community engagement.
- g. Each TVID Board member will hold office until his or her successor has been appointed and has qualified for that position.
- h. A TVID Board member may be removed for inefficiency, neglect of duty, or misconduct in office.
- i. A TVID Board member may receive no compensation for his or her services but may be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his or her duties.

### 3. By-Laws, Meetings, and Election of Officers:

- a. The TVID Board will adopt and enact by-laws enabling it to elect officers, set officer terms, and establish regular meeting times. These by-laws must be reviewed and approved by the Board of County Commissioners.

### 4. Annual Reports:

- a. The TVID Board will file with the Board of County Commissioners on or before March 31st of each year, a report of the TVID activities as approved by the TVID Board for the preceding calendar year.



# LINCOLN COUNTY MONTANA

- i. At the time of filing the report, the TVID Board will be responsible for sending a press release outlining the TVID Board's previous year's activity in a newspaper of general circulation in the community.
  
- b. The TVID Board will complete a financial statement for the Montana Local Government Bureau and send a copy of the full statement to the Board of County Commissioners setting forth its assets, liabilities, income, and operating expenses as of the end of the prior calendar year. The Financial Statement must be completed by June 30<sup>th</sup> of each year.

## **THE BOARD FURTHER RESOLVES:**

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
  
2. This resolution and its various sections, clauses and paragraphs are severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the resolution will not be affected.
  
3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
  
4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

END OF RESOLUTION

Approved as to Form:

Marcia Boris, County Attorney



LINCOLN COUNTY  
MONTANA

Date presented to the Board Dec 5-2018 Approved () Disapproved ( ) Amended ( )

Adopted this 5 day of December 2018.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole  
Mike Cole, Chair

ATTEST:

Robin A. Benson  
Robin A. Benson, Clerk of the Board