

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Big Sky County Water & Sewer District No. 363, Montana (the "District"), hereby certify that the attached ordinance is a true copy of an Ordinance entitled: "AN AMENDMENT ORDINANCE OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, GRANTING THE PETITION OF BOYNE RESORT LLC AND BOYNE USA, INC. TO ADD LAND TO THE DISTRICT; REFERRING THE ORDINANCE TO A VOTE OF THE QUALIFIED ELECTORS OF THE DISTRICT AND THE ELECTORS OF THE PROPOSED ADDITION AND REQUESTING THAT A MAIL BALLOT ELECTION BE HELD THEREON" (the "Ordinance"), on file in the original records of the District in my legal custody; that the Ordinance was duly adopted by the Board of Directors of the District at a regular meeting on February 20, 2002 and that the meeting was duly held by the Board of Directors and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.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 Directors voted in favor thereof: Skip Radick, Dick Wiggins, Dee Rothschilder, Wendell Ingraham, Gary McRae, Stewart Peacock, and William Shropshire; voted against the same: none; abstained from voting thereon: none; or were absent: none.

WITNESS my hand and seal officially this 20th day of February, 2002.

Dee Rothschilder

Secretary

## ORDINANCE NO. 01-1001

Amended February 20, 2002

AN ORDINANCE OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA, GRANTING THE PETITION OF BOYNE RESORT LLC AND BOYNE USA, INC. TO ADD LAND TO THE DISTRICT; REFERRING THE ORDINANCE TO A VOTE OF THE QUALIFIED ELECTORS OF THE DISTRICT AND THE ELECTORS OF THE PROPOSED ADDITION AND REQUESTING THAT A MAIL BALLOT ELECTION BE HELD THEREON

BE IT ordained by the Board of Directors (the "Board") of the Big Sky Water & Sewer District No. 363, Montana (the "District") as follows:

### Section 1. Recitals and Findings.

1.01. The District has received a petition from Boyne Resort LLC and Boyne USA, Inc. requesting the addition of certain lands to the District, which petition has been determined and certified to meet the requirements of the Title 7, Chapter 7, Parts 22 and 23, Montana Code Annotated.

1.02. After a public hearing on the proposed addition to the District duly noticed and held on September 27, 2001, the Board determined that the addition of the land to the District, as requested in the petition, in the best interest of the District.

1.03. Section 7-13-2341, Montana Code Annotated, requires that the District grant the petition by adoption of an ordinance, which ordinance must be submitted to the electors of the District as well as to the electors of the proposed addition.

Section 2. Addition of the Property. The boundaries of the District are hereby modified to include the following property:

NE/4 of Section 25, Township 6 South, Range 2 East, Madison County, Montana.

Section 3. Effect of the Addition of Property to the District. Upon the filing of the certificate of approval of the Ordinance, the territory described above (the "Boyne Addition") shall be a part of the District and shall be included in the both the Water System Jurisdictional Area and the Sewer System Jurisdictional Area and shall be subject to all the rules, regulations, ordinance fees, charges, taxes levied or imposed against other property of the District and possess the rights, privileges and powers set forth in Title 7, Chapter 13, Part 22 and 23, Montana Code Annotated.

Section 4. Submission to the Electorate; Calling of the Election. The Board of the District hereby calls and directs a special election to be held by mail ballot for the purpose of voting on whether to approve or reject the Ordinance of the Board adding the Boyne Addition to the District.



Section 5. Conduct of Election. All qualified electors of the District and the qualified electors of the Boyne Addition shall be entitled to vote on the Ordinance. For purposes of this election, the qualified electors include those registered electors owning or residing upon real property in the District and the Boyne Addition, or in the case of property owned by a corporation, the president, vice president or secretary of the corporation who shall be a registered elector. The Secretary of the District is hereby authorized and directed to give notice of the call and details of this election to the County Election Administrator and request that the election be held as soon as is practicable and/or in conjunction with the District's water and sewer system bond elections. The County Election Administrator is requested to give notice of the close of registration and thereafter prepare printed lists of the qualified electors in the District and the Boyne Addition entitled to vote in the election in the District and the Boyne Addition and to conduct the election in the form and manner prescribed by law and consistent with an approved plan.

Section 6. Notice of Election. The County Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given not less than once a week for three consecutive weeks prior to the election by publishing notice in the *Lone Peak Lookout* and the *Madisonian*, newspapers of general circulation in Gallatin County. The notice of election as published shall read substantially as shown on Exhibit A hereto (which is hereby incorporated herein and made a part hereof).

Section 7. Form of Ballot. The ballot shall be printed in substantially the form as shown on Exhibit B hereto (which is hereby incorporated herein and made a part hereof).

Section 8. Instructions to Secretary; Filing. If the Ordinance is approved, the President and Secretary of the Board are hereby directed to certify that fact to the Secretary of State and the County Clerk and Recorder and request that the Secretary of State issue a certificate that the Ordinance has been approved and the territory has been added to the District. The Secretary of State shall transmit the certificate to the County Clerk and Recorder for filing, upon which the territory is deemed added to the District.

Passed and approved this 20th day of February, 2002.

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary

(SEAL)

EXHIBIT A

NOTICE OF BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363  
Election on Approval or Rejection of District Ordinance Adding  
Boyne Addition to the District

NOTICE IS HEREBY GIVEN by the Board of Directors (the "Board") of Big Sky County Water & Sewer District No. 363, Montana (the "District"), that pursuant to a certain ordinance duly adopted at a regular meeting of the Board on February 20, 2002 (the "Ordinance"), which Ordinance is available for public inspection, a mail ballot election of the registered voters of the District and the Boyne Addition will be held on March 27, 2002 for the purpose of voting on the question of whether or not to approve or reject the Ordinance of the Board adding the Boyne Addition to the District. The Boyne Addition consists of the following land in the District:

NE/4 of Section 25, Township 6 South, Range 2 East, Madison County, Montana.

All qualified electors of the District and the Boyne Addition shall be entitled to vote on the Ordinance. For purposes of this election, the qualified electors include those registered electors owning or residing upon real property in the District and the Boyne Addition, or in the case of property owned by a corporation, the president, vice president or secretary of the corporation who shall be a registered elector. The Secretary of the District is hereby authorized and directed to give notice of the call and details of this election to the County Election Administrator. The County Election Administrator is requested to give notice of the close of registration and thereafter prepare printed lists of the qualified electors in the District and the Boyne Addition entitled to vote in the election in the District and the Boyne Addition and to conduct the election in the form and manner prescribed by law and consistent with the Mail Ballot Plan, as follows:

The election will be conducted solely by mail ballot. Ballots will be mailed to all eligible registered voters in the District and the Boyne Addition on \_\_\_\_\_, 200\_\_, and must be returned by each voter to the County Election Administrator's Office by mail to the Gallatin County Courthouse, 311 W. Main St., Rm. 204, Bozeman, Montana 59715, or in person to the Gallatin County Courthouse, 311 West Main Street, Bozeman, Montana, during regular business hours (8:00 a.m. to 5:00 p.m.), weekdays, \_\_\_\_\_, 200\_\_ through \_\_\_\_\_, 200\_\_.

On Election Day, March 27, 2002 the only place for deposit of voted ballots will be the office of the County Election Administrator at Gallatin County Courthouse, 311 West Main Street, Bozeman, Montana, which will be open from 8:00 a.m. to 8:00 p.m., and all ballots must be in that office by 8:00 p.m. in order to be counted. All ballots will be tallied in the office of the County Election Administrator after 8:00 p.m. on \_\_\_\_\_, 200\_\_.

A qualified voter who will be absent from the District or the Boyne Addition during the time the election is being conducted may:

- (a) vote in person in the office of the County Election Administrator as soon as the ballots are available and until noon on \_\_\_\_\_, 200\_\_; or



(b) make a written request prior to noon on \_\_\_\_\_, 200\_\_, signed by the applicant and addressed to the office of the County Election Administrator, that the ballot be mailed to an address other than that which appears on the registration records. All ballots to be mailed will be mailed no later than \_\_\_\_\_, 200\_\_.

An elector may obtain a replacement ballot if his ballot is destroyed, spoiled, lost, or not received by the elector by personally appearing at the office of the County Election Administrator and by:

- (a) signing an affidavit form stating the reason for the request for replacement; and
- (b) if the reason given for replacement is "spoiled ballot," by returning the spoiled ballot to the office of the County Election Administrator.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_

EXHIBIT B

BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363, MONTANA  
Election on Approval or Rejection of District Ordinance Adding  
Boyne Addition to the District

\_\_\_\_\_, 200\_\_

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "Ordinance Annexing Boyne Property to District — Approve " if you wish to vote for approval of the Ordinance; if you are opposed to the Ordinance, make an X or similar mark in the square before the words "Ordinance Annexing Boyne Property to District — Reject".

Shall Ordinance No. 01-1001, adopted by Board of Directors of Big Sky County Water & Sewer District No. 363, Montana (the "District") granting the petition of the Boyne Resort LLC and Boyne USA, Inc. to add the following land to District:

NE/4 of Section 25, Township 6 South, Range 2 East, Madison County, Montana

with such land becoming subject to the same rules, regulations, ordinance fees, charges and taxes as the other property in the District, be approved?

- ☐ ORDINANCE ANNEXING BOYNE PROPERTY TO DISTRICT — APPROVE
- ☐ ORDINANCE ANNEXING BOYNE PROPERTY TO DISTRICT — REJECT