

Missoula County, Montana  
( the “County”)

Recovery Zone Facility Bond Application Form

**A. Applicant Information**

- 1. Applicant name \_\_\_\_\_
- 2. Address \_\_\_\_\_
- 3. Phone \_\_\_\_\_
- 4. Email \_\_\_\_\_
- 5. Taxpayer I.D. number \_\_\_\_\_

- 6. Contact person \_\_\_\_\_  
Contact information if different from applicant information above:  
\_\_\_\_\_

- 7. Type of entity      \_\_\_ Corporation      \_\_\_ Limited liability company  
                             \_\_\_ Partnership      \_\_\_ Individual  
State of organization      \_\_\_\_\_  
Date of organization      \_\_\_\_\_

- 8. Nature of business \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 9. Ownership

<u>Name of each owner</u>	<u>% owned</u>	<u>Address</u>

**B. Project Information**

1. Description of Project

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Components of Project\* (check all that apply):

- Acquisition of property (\_\_\_\_\_ date of acquisition)
- New construction
- Reconstruction, renovation or improvements

\*Refinancing of existing facilities not available under recovery zone facility bond rules

3. Size of facility to be constructed or renovated (sq. ft., number of rooms, floors, etc) \_\_\_\_\_

4. Location of Project (incl. street address and legal description) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Project commencement date \_\_\_\_\_

6. Estimated Project costs:

Land acquisition	\$
Site development	\$
New construction	\$
Acquisition of building	\$
Reconstruction/renovation	\$
Equipment and machinery	\$
Furniture and fixtures	\$
Professional fees	\$
Other (specify):	\$
_____	\$
_____	\$
_____	\$
_____	\$
<b>Total Project cost</b>	<b>\$</b>

7. Proposed amount of Recovery Zone Bond issue \_\_\_\_\_

8. Does Applicant have a written commitment from the lender to make a loan or to underwrite or purchase bonds? \_\_\_\_\_

Name of proposed lender or underwriter of bonds and contact person

\_\_\_\_\_

9. Public and economic benefit of Project:

Number of expected jobs created during construction \_\_\_\_\_

Level of pay \_\_\_\_\_

Benefits \_\_\_\_\_

Number of expected long-term jobs created \_\_\_\_\_

Level of pay \_\_\_\_\_

Benefits \_\_\_\_\_

Describe the Project's benefits to the County

\_\_\_\_\_  
\_\_\_\_\_

How will the Project aid or enable the County to promote economic recovery?

\_\_\_\_\_  
\_\_\_\_\_

Other information \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### C. County's Note to Applicant

**Applicant must meet with a nationally recognized bond counsel acceptable to the County ("Issuer's Bond Counsel") to determine whether the Project described in the Application is eligible for financing** under the American Recovery and Reinvestment Act of 2009 as provided in Section 1400U-3 of the Internal Revenue Code of 1986, as amended (the "Act"). The Application shall be accompanied by a form of a preliminary inducement resolution prepared by Issuer's Bond Counsel, which among other things will call for a public hearing on the Project and the issuance of the Bonds therefore (the "Preliminary Project Resolution").

Upon determination by the County that the Project meets the requirements of the County's Resolution No. 2009-145 Establishing Criteria for Approval of Projects for Financing as Recovery Zone Facility Bonds (the "County Resolution"), a copy of which is attached to this Application, the County will proceed with the Application by having the Board of County Commissioners adopt the Preliminary Project Resolution. The Preliminary Project Resolution will enable the Applicant to use proceeds of Bonds, when and if issued, to pay costs of the Project incurred after such date. Applicant should be aware that there are provisions of the Internal Revenue Code in addition to the Act that will affect the tax exemption on the proposed Project financing, which should be discussed with bond counsel. Costs of bond counsel are the responsibility of the Applicant; such costs can be financed from the proceeds of the financing, subject to certain federal limitations.

After the public hearing, if the Board of County Commissioners determines that the Project is in the public's best interest and satisfies the requirements of the County Resolution, it will adopt a resolution allocating authority for Recovery Zone Facility Bonds, which may be revoked if it appears that the Bond cannot be issued by December 31, 2010.

The County makes no representations that the financing provided under the Act would be in the Applicant's best interests.

**Applicant should be aware that construction contracts for a any project financed under Act exceeding \$25,000 must contain a provision that requires the contractor to pay the standard prevailing wage rate in effect and applicable to the district in which the work is being preformed and to give preference for employment to bona fide Montana residents if their qualifications are substantially equal.**

**D. Applicant Certification**

I, the undersigned, certify to the County that I am authorized to execute and submit this application on behalf of the Applicant named above (the "Applicant"), and I further certify on behalf of the Applicant as follows:

1. The Applicant has sufficient resources to obtain the necessary financing and undertake the Project described above (the "Project") and complete the closing of the Recovery Zone Facility Bond financing by December 31, 2010.
2. The Applicant has consulted \_\_\_\_\_ (bond counsel), who has preliminarily determined that the Project is eligible for financing under the Act.
3. The Applicant acknowledges that it shall be responsible for all fees of the County and all fees and charges associated with the sale and issuance of the Bonds, including costs of bond counsel, and those required by the County Resolution, a copy of which is attached to this Application.
4. The County shall not be responsible for, and the Applicant agrees to defend, indemnify and hold the County harmless from any losses or damage, liabilities, claims, settlements costs and expenses arising out of or related to (i) unavailability or loss of tax exempt status in respect of any bonds issued by the County pursuant to allocation of recovery zone facility bonding authority, (ii) the unavailability of financing for the Project, (iii) the creditworthiness of the Applicant, or (iv) any failure to complete the Project.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Title*