

~~Vickie~~
Attorney

**AGREEMENT BETWEEN THE SEELEY LAKE SEWER DISTRICT
AND MISSOULA COUNTY**

This Agreement is entered into between Missoula County, a political subdivision of the State of Montana, 200 West Broadway, Missoula, MT 59802 and the Seeley Lake Sewer District, PO Box

WHEREAS, the Seeley Lake Sewer District (hereinafter called Sewer District) is an organization formed pursuant to MCA Title 7, Chapter 13, Parts 22 and 23 for the purpose of developing and implementing a sewage management plan and system for the Seeley Lake area; and

WHEREAS, the County is concerned with the well-being of the citizens in the Seeley Lake area and with the environmental health of the area and deems it in the interests of Missoula County to provide services to the Seeley Lake Sewer District; and

WHEREAS, the Missoula County Public Works Department has the expertise and resources necessary to aid the Sewer District in analyzing the current conditions, developing a sewage management plan, and implementing the plan;

Therefore, the parties agree as follows:

General Management

Greg Robertson, Director of Public Works, shall act as the general manager, with the duties and responsibilities as set forth in MCA §7-13-2278. The general manager duties include full charge and control of the maintenance, operation, and construction of all works and systems of the district. The general manager shall "ensure that the district establishes and maintains a system of auditing and accounting that shows the financial condition of the district, draw, or cause the secretary to draw warrant to pay demands made against the district that have been first approved by at least three members of the board and the general manager." § 7-13-2278 (as amended 2011).

The General Manager, or his designee, shall report to the Seeley Sewer Board of Directors as requested by the Board.

General Support

The County shall provide office space as is deemed necessary for the records of the Sewer District, including all Board records. Such records shall be public records available for inspection upon request by the public.

The County will provide support in grant writing and grant management.

The County will provide legal services as appropriate.

Financial

Missoula County agrees to lend the Sewer District a no-interest loan in the approximate amount of \$110,000 to cover match requirements in Federal grants being applied for by the Sewer District. The loan shall be repaid at the implementation stage of the project.

If either of the parties exercises its right to terminate this contract pursuant to the Termination paragraph below, such termination shall not affect the terms of the loan.

Sewer District

The Sewer District agrees to follow all local, State, and Federal laws applicable to the operation of the Sewer District. The Sewer District agrees to follow all applicable laws regarding open meetings and public records.

The Sewer District, through its Board, will continue to carry out its functions as a Board, including setting policy for the Sewer District.

Term and Effective Date

This Agreement shall become effective upon approval by the Board of County Commissioners and the Seeley Lake Sewer District Board and is for a period of two years from the date it is approved. The parties may agree to continue the term for the same or a different term at the expiration of the initial two years.

Termination

Either party may terminate this contract, with or without cause, upon giving 60 days written notice to the other party. As set forth above, termination will not apply to any loan made by Missoula County to the Sewer District, unless a separate loan document specifically provides for cancellation or acceleration.

IN WITNESS WHEREOF, the Missoula County and the Seeley Lake Sewer District have caused this instrument to be duly executed by their proper officers on the 13th day of October, 2011.

MISSOULA COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

Dorthe J. Merial
Clerk and Recorder *Chief Deputy*

Jean Curtiss
Jean Curtiss, Chair
Missoula County Commissioner

Michele Landquist
Michele Landquist
Missoula County Commissioner

APPROVED AS TO FORM;

Bill Carey
Bill Carey
Missoula County Commissioners

Deputy County Attorney

Glen Morin
Glen Morin, Chair
Seeley Lake Sewer District