

PARK COUNTY

RURAL IMPROVEMENT DISTRICTS

POLICIES AND PROCEDURES

adopted by the
Park County
Board of Commissioners

Adopted July 8th, 2014

PARK COUNTY RURAL IMPROVEMENT DISTRICT POLICIES AND PROCEDURES

INTRODUCTION

POLICY STATEMENT

A Rural Improvement District (RID) may be undertaken by Park County the (“County”) pursuant to the provisions of Title 7, Chapter 12, part 21, MCA. The purpose of a RID is to allow residents of the County, in areas outside incorporated cities and towns, to finance and construct needed public improvements. A maintenance fund will be established to ensure the ongoing sustainability of these improvements. By statute, the Board of County Commissioners of Park County (the “Board”) is vested with the authority to order and create RIDs. A RID may include a part of or all of the County or may include areas in more than one county.

The Board wishes to make available to the residents of the County, through RIDs, the financing needed to allow for the building, purchasing and maintenance of public improvements, while safeguarding the County’s general fund and County RID Revolving Fund and avoiding a burden to general County taxpayers. Residents of the RIDs and the residents of the County are financially obligated to debt service resulting from improvements; RIDs will only be created after there has been full consideration of all factors set forth in this Policy.

The Board wants all parties involved with a proposed RID to receive adequate information on which to make an informed decision. To this end, the Board hereby adopts the following policies, procedures, and guidelines for the creations of RIDs. **This policy does not encompass the process where residents petition the Board to create a district with the consent of all the owners within the district as set forth in Section 7-12-2102(2), MCA.**

DEFINITIONS:

The following definitions and abbreviations are used throughout this policy in order to save space and to avoid the need for continued defining of common terms.

Attorney: Means a qualified person under the terms of Title 37, Chapter 61 of the Montana Code Annotated.

Board: Shall mean the Board of County Commissioners of Park County, Montana.

County: Shall be used to refer to the political subdivision of the State of Montana known as Park County.

County Clerk: The County Clerk is the Park County Clerk and Recorder.

Engineer: Means the qualified engineer/engineering firm contracted by the County to complete engineering services for RID associated projects. This person or firm must be qualified under the terms of Title 37, Chapter 67 of the Montana Code Annotated. In addition, the County surveyor may also act as the engineer for RID.

Applicant: Whenever the word Applicant or similar phrases appear throughout the policy and procedure text, the term shall refer to those individuals presenting an application and other documents to the Board for action.

Incidental Expenses: Incidental expenses include the following:

- a) The compensation of the engineer for work done;
- b) The cost of printing and advertising, as provided in this part;
- c) Interest on warrants of the county issued to pay costs of improvements, as provided for under Title 7, Chapter 12, Part 21;
- d) Costs of issuance of the bonds or warrants of the RID, including costs of printing the bonds, bond registration fees, attorney fees and financial consultants' fees, a premium for bond insurance, any price paid by the original purchaser of the bonds or warrants of the special improvement district before assessments levied by the district are collected in amounts and at times sufficient to pay the interest; and
- e) A reasonable administrative fee payable to the County for the creation and administration of the district by the County, its officers, and its employees.

Inter-Cap Loan: A State of Montana loan program, providing low interest loans to Montana local governments and state agencies for a variety of purposes.

Parcel: The term Parcel will include within its definition lot, track, parcel, property and condominium units.

Percentage: Whenever it is a requirement of this procedure document, or a statute, that a certain percentage of occurrence be obtained, it is not permissible to round up from a lower percentage. The percentage number requested by the requirement is the standard that must be obtained.

Rural Improvement District (RID): Is used to refer to rural improvement districts created under the provision of Title 7, Chapter 12, part 21 of the Montana Code Annotated.

SECTION 1. PROJECTS CONTEMPLATED UNDER RURAL IMPROVEMENT DISTRICTS

- A. The RID procedure may be used for projects for the purposes of building, constructing, or acquiring by purchase one or more of the improvements of the kind

described in Section 7-12-4102, MCA, in or for the benefit of the RID.

- B. The Board will consider projects proposed on a case by case basis. The Board encourages county residents to utilize the RID method of creating public work projects, but reserves the right to approve or disapprove the use of RIDs. All projects must be a public improvement and RID cannot be utilized on private properties such as private roads.

SECTION 2. PUBLIC INTEREST OR CONVENIENCE

- A. Pursuant to Section 7-12-2102, MCA, the Board may utilize a RID whenever the public interest or convenience may dictate. The following considerations will be applied by the Board in evaluating whether the project is in the public interest or convenience:
 - 1. The proposed project's impact on the general welfare, safety, and health of residents within the proposed district and on residents of the county at large;
 - 2. The number of individuals directly benefited and the manner in which they're benefitted;
 - 3. The estimated financial burden on each individual Parcel within the proposed district;
 - 4. The number of Parcels within the proposed district that do not contain residential or commercial buildings that are completed or will be completed by the time the proposed assessments are imposed;
 - 5. Whether the proposed district has a build out of more than 70%. The Board may determine that a RID may be created with a build out of less than 70% if the RID is in the public interest;
 - 6. The impact on the revolving fund of Park County; and
 - 7. The support within the proposed district for its creation by the residents of the proposed district. **Nothing in this policy shall be construed as limiting the Board from initiating a RID** even if the property owners haven't previously signed a waiver of protest to the creation of a district or the residents are not in support of the proposed district.

SECTION 3. APPLICATION PROCEDURE

- A. Property owner(s) who are interested in establishing RID should contact the Park County Planning Department.
1. A copy of the application will be provided to the property owner(s).
 2. An informal meeting will be held with any interested property owner(s) and County Planning staff. The application for creating a RID will be reviewed at this meeting.
 3. Property owner(s) wishing to proceed with a RID will be required to fill out and submit a RID application. Information to be submitted with the RID application includes, but is not limited to, a description of the proposed work with a preliminary cost estimate, proposed district, status of road public or private, efforts property owner has made to determine support for the project, and statement as to why the project is in the public interest or convenience.
 4. Upon receiving a complete application, the Park County Planning staff will schedule a meeting with the Board to review the application and for the Board to determine whether the project is in the public interest and convenience.
 5. If the Board determines the project is in the public interest and convenience the Board will move forward with the process set forth in the policy for the creation of a RID.
- B. Information the County will obtain prior to passing the resolution of intent:
1. A description of the project;
 2. A map of the proposed district and a description of the outside boundary of the proposed district, showing all existing Parcel within the boundaries of the proposed district, all existing roads and right-of-ways and the location and extent of the proposed improvements;
 3. Legal description of all the Parcels proposed to be included in the RID;
 4. A detailed engineering cost estimate of proposed project;
 5. Cost estimate of all county administration costs, including financing costs for maintenance administration and revolving fund;

6. Method of assessment to be used in accordance with Section 6 of this policy; and
7. Number of individual Parcels within the district with occupied dwellings upon them if Applicant is requesting a method of assessment describe in Section 6(C) of this policy.

SECTION 4. MAP

- A. The map attached to the resolution shall clearly include and identify the following information:
 1. The boundaries of the RID;
 2. All existing Parcel within the boundaries of the proposed district identified by appropriate boundary lines;
 3. All existing road(s) and unities shall be delineated; and
 4. The location, scope and extent of the proposed improvements.

SECTION 5. REQUIREMENTS FOR RESOLUTIONS

- A. A resolution of intent to create a RID shall conform to the requirements of Section 7-12-2103, MCA. The resolution of intention must contain the following: (1) designate the number of the district; (2) describe the boundaries of the district; (3) the general character of the improvements that are to be made; (4) designate the name of the Engineer in charge of the work and an approximate estimate of the cost of the work; (5) specify the method or methods by which costs of the improvements will be assessed against Parcel in the district; and (6) if method of assessment is equally shared by each lot in the district, specify that if an increase occurs in the number of benefited Parcels within the district during the term of the bonded indebtedness, the assessment per Parcel will be recalculated as provided by Section 7-12-2151(4), MCA.
- B. After the passage of the resolution of intention the Planning Department shall publish notice of its passage as set forth in Section 7-1-2121, MCA. The notice must be mailed as set forth in Section 7-1-2122, MCA, to each owner of a Parcel within the proposed district.
- C. The notice must describe the general character of the proposed improvements, state the estimated cost of the improvements, describe generally the method or methods by

which improvements costs will be assessed, and designate the time and place when the Board will hear the Resolution and make a decision regarding any protests. The notice must reference the resolution of intention on file with the County Clerk for the description of the district boundaries. Depending upon the method used for the assessment additional information must be included in the notice as set forth in Section 7-12-2105(3), MCA.

- D. The resolution creating the RID shall conform to the requirements of Section 7-12-2113, MCA. The resolution creating the district must be in accordance with the resolution of intention.
- E. The Board may order improvements immediately if the following occurs: (1) when sufficient protests have not been delivered within 30 day time period; (2) when a protest has been found by the Board to be insufficient or has been overruled; (3) when a protest against extending the proposed district has been heard and denied; or (4) when a resolution creating the district is passed upon receipt of a petition as provided in Section 7-12-2102(2), MCA.
- F. The Board shall by resolution levy and assess a tax upon all benefited Parcels in the district created and use the method for assessment as set forth in the resolution of intention.
- G. The resolution for levy and assessment shall include the following: (1) description of each Parcel, with the name of the owner, if known, and the amount of each partial payment, when made, and the day when the payment becomes delinquent.
- H. The County Clerk shall sign a notice stating a resolution levying a special assessment to defray the costs of the improvements is on file with the County Clerk's Office and subject to inspection.
- I. The notice of the resolution levying the assessment shall be published pursuant to Section 7-1-2121, MCA; mailed to the owner of each Parcel to be assessed; and mail to such other persons known to the clerk to have an ownership interest in the Parcel. In addition, the notice shall state the time and place in which objections to final adoption of the resolution will be heard by the Board. The time of the hearing may not be less than 5 days after the second publication or less-than 10 days after the mailing of the notice.
- J. Resolutions shall be prepared by the Park County Attorney's Office.
- K.

SECTION 6. ASSESSMENT

- A. The cost for principal, interest, and yearly maintenance shall be assessed pursuant to Sections 7-12-2151 and 7-12-2161, MCA. The Board shall assess the entire cost of the improvements against the benefited Parcels of land in the district based upon the benefits received and shall adopt one or any combination of the methods provided in this policy.
- B. All construction estimates shall be determined by the Engineer and included in the Resolution of intention. Park County will not pay any portion of a cost attributable to the improvements desired by a RID.
- C. All Parcels (Developed and Undeveloped) included in a RID shall be assessed the same rate for debt service (improvements requiring loans or bonds), however, undeveloped Parcels may be assessed a portion of a maintenance assessment.

SECTION 7. ESTABLISHING BOUNDARIES OF PROPOSED DISTRICTS

- A. Pursuant to Section 7-12-2108, MCA, the Board may assess and include Parcels and lands not fronting on the proposed improvements within the boundaries of the district if the Board declares, in its resolution of intention to create the RID, that such Parcels are benefited by the proposed improvements. In addition, the Board must find that the work is more than local or ordinary public benefit or the total estimated cost and expenses of the project exceed one-half of the total assessed value of the Parcels and lands assessed fronting the project.

SECTION 8. PRESENTATION OF APPLICATIONS AND OTHER DOCUMENTS

- A. The Board will consider and act upon all decisions required to create a RID at a regularly scheduled meeting. The passing of any resolutions, hearing of any protests, letting of any bids for bonds and construction shall be done at the regularly scheduled meeting.
- B. The Board reserves the right to alter its meeting date and time. It is the responsibility of those applying for the RID to adjust accordingly. In addition, it is the responsibility of those applying to be aware of any time restrictions specified by statute for creating a RID, selling the bonds, letting of construction contracts, and receive Board approval prior to the expiration of any such time limits as outlined in this policy.

SECTION 9. PROTEST TO THE CREATION OF A RID

- A. Within 30 days after the date of the first publication of the notice of passage of the resolution of intention, any owner of Parcel liable to be assessed for the project may make written protest against the proposed improvement and/or against the creation or extension of the district.

- B. A protest must be in writing, identify the Parcel in the district owned by the protestor, and be signed by all owners of the Parcel, except if the Parcel is a condominium, then Section 12 applies. The written protest must be delivered to the County Clerk, who shall date stamp the protest. For purposes of this part "owner" does not include a tenant of or other holder of a leasehold interest in the property.
- C. At the next regular meeting of the Board after the expiration of the 30 day protest period, the Board shall proceed to hear and pass upon all protest so made. The Board's decision shall be final and conclusive.
- D. In determining whether sufficient protests have been filed in the proposed district to prevent further proceedings, Parcel owned by the County shall be considered the same as other property in the district.
- E. Further proceedings may not be taken for a period of 6 months from the date when the protest was received by the County Clerk if the Board determines the protest was submitted by the owners of Parcel who would be assessed for more than 50% of the cost of the proposed improvement.
- F. The protest set forth above in Section 9(E) may be overruled by a unanimous vote of the Board if the project is for the construction of sanitary sewers, the improvements are ordered by the Department of Environmental Quality or Federal Environmental Protection Agency, or the Board makes written findings after public hearing and comment that the proposed improvements protect the public health or environment, mitigate harm to the public health or environment, and are achievable under current technology.
- G. The Board shall hold a hearing on protest for the final adoption of the resolution to levy assessments. This hearing may be adjourned from day to day. The Board may by resolution modify such assessment in whole or part.
- H. The Board must provide the Park County Treasurer a certified copy of the resolution levying assessments within 2 days after its passage.

SECTION 10. BID REQUIREMENTS AND CONSTRUCTION DOCUMENTS

- A. The applicable provisions of Section 7-12-2131 through 2140, MCA, shall apply to the construction of the improvements and bid requirements. When the Board passes the resolution to create a RID, the bidding and construction of the proposed project are the responsibility of the Board.
- B. Except for technical changes involving the engineering and design of the proposed project, no changes as to size and scope of the project may be made once the

resolution creating the district is passed.

- C. The Engineer is responsible for preparing the necessary engineering plans, advertisement for construction bids, and inspecting the work. The Engineer is responsible for the advertisement for construction bids. After the construction bid is let, the engineer shall furnish to the Park County Accounting Department an itemized cost analysis of the RID improvements. The Engineer shall report to the Board as is necessary or requested concerning the completion of the work.
- D. The Board shall publically open the bids at a Commission meeting. The time for opening the bids shall not be less than 15 days from the time of final publication of the notice.
- E. The Board may award the contract to the lowest responsible bidder and reject all other bids. The Board may reject any proposals or bid if it considers this for the public good, and/or reject the bid of a party who has been delinquent or unfaithful in a former contract with the Board.
- F. If the bids are rejected or no bids are received, the Board may within 6 months readvertise for proposals or bids without further proceedings.
- G. All bids must be accompanied by a bid bond. The bidder who is selected by the County shall supply the County with a bond for successful completion of work.
- H. The Engineer, upon completion of the improvement, shall submit to the Park County Accounting Department a final cost summary. The Engineer is responsible for preparing the contract documents and for holding Park County harmless in these matters.
- I. The Engineer is responsible for certifying to the Board all construction work as it progresses. Claims by the contractor will not be paid unless authorized by the Engineer.
- J. The Engineer shall keep an accounting of all costs and expenses incurred with each RID and shall certify the costs and expenses to the County Clerk.

SECTION 11. PROCEDURE FOR OBJECTION TO PROCEEDINGS

- A. Within 60 days from the date of the awarding of a contract, any Parcel owner or person having interest in any Parcel liable to assessment may file with the County Clerk a written notice of objection to the proceedings. The person must allege that any of the previous acts or proceedings relating to the improvements are irregular, defective, erroneous, or faulty or that the Parcel will be damaged by making any of the improvements in the manner contemplated. The person must state in the written

notice specifically in what respect the acts or proceedings are irregular, defective, erroneous, or faulty. Additionally, the notice must state that it is made pursuant to Section 7-12-2140, MCA.

- B. All claims for damages must be waived by the property owner if a written object is not filed, if notice of the passage of the resolution of intention has been actually published and the notice of improvements posted as provided in this part.

SECTION 12. PROTEST PROCEDURES FOR PROPERTY CREATED AS CONDOMINIUM

- A. If proposed district includes condominiums and the proposed work relates to or affects property created as a condominium, and not solely a unit in the condominium, the owner for purposes of protest is the collective of the owners of all units having an undivided ownership interest in the common element of the condominium.
- B. An owner of property created as a condominium may protest against the proposed work or against the extent or creation of the district to be assessed, or both, only through a president, vice president, secretary, or treasurer of the condominium owners' association. The protest must comply with the requirements of Section 9(A)(B).
- C. The protest must be timely submitted to the County Clerk and: (1) identify the condominium property; (2) include condominium declaration or other condominium document that shows how votes of unit owners in the condominium are calculated; (3) original signatures of owners of units having an undivided ownership interest in the common elements of the condominium sufficient to constitute an affirmative vote for an undertaking relating to the common elements under the condominium declaration; and (4) a certificate signed by the president, vice president, secretary, or treasurer of the owners' association certifying that the votes of the unit owners as evidenced by the signatures of the owners are sufficient to constitute an affirmative vote of the owner' association to protest.
- D. Each holder of title to a unit in a condominium within the proposed district is entitled to notice of the passage of the resolution of intention as provided in Section 5(B), and if the district is created and assessments levied, assessments must be levied against the units in the condominium.

SECTION 13. FINANCING

- A. To defray the cost of making or acquiring any improvement under this policy, including Incidental Expenses, the Board shall assess the entire cost of the improvement against benefited Parcels in the district, based upon benefits received.

- B. The Board shall adopt one or any combination of the following methods of assessment for each improvement made or acquired for the benefit of the district:
1. Each Parcel of land assessed in the district may be assessed with that part of the whole cost which its assessable area bears to the assessable area of all the benefited Parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection 13(B), "assessable area" means an area of a Parcel of land representing the benefit conferred upon Parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot, tract, or parcel;
 2. Each Parcel of land assessed in the district may be assessed with that part of the whole cost of the improvement based upon the assessed value of the benefited Parcels or pieces of land within the district, if the board determines the assessment to be equitable in proportion to and not exceeding the benefits received from the improvement by the Parcel;
 3. Each Parcel of land in the district abutting upon the street where the improvement has been made may be assessed in proportion to its lineal feet abutting the street;
 4. Each Parcel of land in the district may be assessed an equal amount based upon the total cost of the improvement; and/or
 5. Each Parcel of land in the district served by a utility connection may be assessed an equitable lump sum for the connection based on the bid price in the applicable contract.
- C. The Board may finance a RID through the sale of bonds, an INTERCAP loan from the Montana Board of Investments, or a loan from Park County if the Board determines funds are available. Financing must be secured before construction begins.
1. BONDS
 - a. It will be the responsibility of the Board to obtain bond counsel, at the expense of the RID, for the preparation of all necessary papers in connection with the sale, including, but not limited to, the notice of sale, advertisement for sale, resolutions, and the bonds themselves.
 - b. Other than the requirements in this document, the timing and scheduling of the sale of bonds and the letting of the construction contract is determined by Park County. The Engineer, at his/her discretion, may complete whatever Engineering work he/she deems

advisable prior to the bond sale. However, the Engineer will only be compensated from the proceeds of the bond sale.

- c. The term of the bonds shall not exceed 30 years. The Board is authorized to set the interest on the bonds and reserve the right to approve or disapprove the interest rate at the time of the bid opening.
- d. Pursuant to Section 7-12-2172(2), MCA, the Board will follow the applicable requirements of Section 7-7-2251 through 2254, MCA, in selling the bonds. All bonds sold to finance the RID shall be treated as Serial Bonds, in that as the funds become available in the appropriate accounts, the County shall redeem the bonds.
- e. Further, all bonds sold after the budget has been adopted will go on the tax rolls in November of the following year with the first interest payment due the following January and the first principal payment due July 1.

As an example, by having a bond issue in September of 1996, the assessment will be billed in November 1997, with the first interest payment due on January 1, 1998. If the bonds sell on July 20, 1996, the assessment will be billed in November 1996, with the first interest payment due on January 1, 1997. This is necessitated because after January 1 of any year, the assessment for the RID cannot be included on tax notices and collected. It is the responsibility of the engineer and attorney to incorporate any additional interest accruing because of this delay in the calculation of the pay-back schedule.

2. INTERCAP LOAN

- a. INTERCAP financing may be utilized for the RID upon approval by the Board.
- b. The Park County Accounting Department will be responsible for preparation of the INTERCAP loan application.
- c. As with the sale of bonds, the costs of financing will be included in the loan. These costs include a 5% reserve to be deposited in the RID Revolving fund in accordance with 7-12-2153, MCA.
- d. The INTERCAP interest rate is variable and can change from year to year. In order to assess sufficient proceeds, the Prime lending rate will be used to establish the assessment. In the event that the assessment is insufficient, it may be necessary to increase the

assessment through the normal hearing process. Excess proceeds will be used to retire debt early in accordance with Section 14 of this document.

3. COUNTY LOAN

- a. If the Board determines the County has sufficient reserves, a lending fund may be utilized to finance a RID. The Park County Accounting Department will be responsible for the necessary documentation of the interfund loan.
- b. No origination fee will be charged. However, a 5% reserve is required to be deposited in the RID Revolving fund.
- c. The interest rate will be based upon the Prime lending rate.

SECTION 14. PAYMENT OF PRINCIPAL AND INTEREST

- A. The Board will retire debt issued for a RID as rapidly as possible. In furtherance of this goal, individual Parcel owners have the right at any time to pay off that portion of the improvement debt attributable to their Parcel without penalty. The amount of principal and interest owing shall be calculated by the Park County Treasurer. Such payment shall not relieve the Parcel owner of further annual assessments for the maintenance of the improvement if such assessment is imposed.
- B. Whenever it is a condition of sale of a Parcel of land within a RID that the balance owed issued in conjunction with a RID be paid, it is the immediate responsibility of the parties to the transaction to deposit with the Park County Treasurer the amount owing on that Parcel's portion of debt service incurred by the RID. The provisions as to calculating the amount and effect on the annual assessment stated in Paragraph A of this subsection shall apply to the situation in this paragraph.

SECTION 15. COUNTY RESPONSIBILITY FOR ROADS, STREETS, AND OTHER IMPROVEMENTS CREATED BY RID

- A. Any road, street, or other such improvements shall not automatically, upon approval of the RID, become part of the county maintained road system. The procedure for acceptance of a road, street, or other such improvement into the county road system is clearly outlined in the Montana Code Annotated and shall not be included in the application for a RID.
- B. In addition, a clear disclaimer shall appear in the resolution of intention stating the County will assume no maintenance funding responsibility for any improvement

created by the RID procedure except as otherwise provided in this policy. By not accepting the improvement into the County maintained road system at the time of creation of the RID does not foreclose its acceptance in the future.

SECTION 16. MAINTENANCE COSTS

- A. The maintenance cost of improvements created by a RID shall be born by the District unless the County has determine that it is in the best interests of the County to provide for the whole cost of maintaining, preserving or repairing the improvements in the District. The County, by the action of the Board, may assume responsibility for the maintenance of the project or the road based upon an individual case by case determination. Pursuant to the authority in Section 7-12-2161, MCA, the costs of maintaining and preserving improvements shall be determined by the Board.
- B. The Board shall, on a yearly basis, beginning January 1 or another time as may appear necessary, assess the owners within the District or budget for the costs of undertaking necessary repair and maintenance as required by this policy. Assessment shall be made using the same assessment method as the RID. All major capital improvements must be financed through a RID.
- C. The Board may, before the first Monday in September of each year, pass and adopt a resolution levying and assessing all Parcels within the district with an amount equal to the whole cost of maintaining, preserving, or repairing the improvements. The assessment must be proportioned pursuant to Section 7-12-2108, MCA. If the Board does not pass a resolution assessing maintenance the Board shall otherwise provide for the whole cost of maintaining, preserving, or repairing the improvements in the district.
- D. The resolution levying assessment for maintenance must be prepared and passed in substantially the same manner as the resolution levying assessments.
- E. The Board shall include in the estimate the cost of maintaining the district the lesser of \$500 or 5% of the annual assessment of the district. The Board shall determine this amount to defray costs incurred by the county in administering the maintenance of the district. The Board shall annually pay the amount determined to the Park County Treasurer for deposit in the general fund from the funds collected through the resolution for maintenance.
- F. The money collected under Section 16(E) shall be deposited in a fund known as special improvement district No. ___ maintenance fund. These funds shall be used to defray the expense of maintenance, preservation, or repair of district improvements and for no other purpose.
- G. The maintenance costs that may be paid for through a maintenance fund of a RID

may include but are not limited to: overlays, chipseal coats, and other major improvements, snow plowing, sweeping, grading, culvert maintenance, drainage, weed control and signage. These costs shall be included in the cost estimates prepared and presented by the Engineer as required by Section 18. It is expressly stated that this provision for maintenance by the County does not apply to any other road, which shall be subject to all the provisions for maintenance as provided in this policy.

SECTION 17. MAINTENANCE CHARGE SHEETS

The Board shall prepare and present at the time of the passage of the resolution of intention an estimated maintenance cost, which will include cost estimates for routine and major maintenance. The charge sheet shall show estimated annual cost and shall be evaluated as deemed necessary by staff or residents.

SECTION 18. PROFESSIONAL ASSISTANCE

- A. The County will not be responsible for compensating these individuals or firms for any work performed for RID improvements or maintenance if services are not completed by the County. However, if the RID is approved, the Engineer may be paid out of the RID fund for expenses directly related to the creation of the District.
- B. It shall be the responsibility of the Engineer to, as accurately as possible, estimate the costs of improvements and maintenance.
- C. The Park County Attorney Office shall review the contents of the following: the resolution of intention; the resolution to create a RID; resolution to levy assessments and maintenance; preparation of contracts for the project; all notices connected with the advertisement of bid for the project; notice of bid for bonds; and the bonds themselves.
- D. The staff of the Park County Attorney's Office, Planning Department, and County Clerk will prepare all of the aforementioned documents. The Board will utilize the expertise of these offices in reviewing the documents.

SECTION 19. COUNTY ADMINISTRATIVE COSTS

The County will charge a yearly administrative fee equal to 5% of the annual assessment not to exceed \$500.00 as per Section 7-12-2161, MCA, on all districts.

SECTION 20. INCIDENTAL EXPENSES

- A. All County demands for Incidental Expenses, except for administrative fee and

interest payable on warrants or bonds, shall be presented to the County Clerk by itemized bill, duly verified by oath of the demandant.

- B. Incidental Expenses can include the cost of preparation of plans, specifications, maps, or plats; engineering, superintendence, and inspection; and preparation of assessment rolls.

SECTION 21. COUNTY ADMINISTRATIVE PROCEDURES

- A. RID will be administered through the various offices of county government. To avoid confusion and clearly establish the duties of each office with respect to RID administration, the Board adopts the following directives:
 1. The County Clerk shall be responsible for accept any accounting for an RID and other documents that are required by law to be filed with the clerk.
 2. The Planning Department will be responsible for causing the various notices to be posted and published, reviewing the application with property owners, scheduling meetings with the Board, and maintaining a file on the creation each RID,
 3. The Park County Attorney's Office will draft RID resolutions and review and/or prepare contracts.
 4. The Park County Accounting Department shall be responsible for creating entity codes for maintenance and improvements as outlined in the resolution of the RID. Separate entity codes shall be created for debt service (improvements requiring a loan) and maintenance activities. The Department shall prepare any loan documents that are required.
 5. The Park County Treasurer shall be responsible for maintaining all funding accounts created by RID. This office shall also retain the bond and interest charge sheet and be responsible for the computations for individuals wishing to pay their portions of the indebtedness. This office, shall pay interest on bonds and call the bonds that are due. The office through its authority to collect taxes, will also collect all assessments on RID.
 6. The Park County Road Department and/or Engineer shall be responsible for insuring that all approved projects are completed as specified and for causing the related notices/bids to be published The Road Department and/or Engineer will determine the yearly maintenance schedule for existing districts and maintain the project files.
- B. Before August 1 of each year all RID in the County shall be reviewed for development and assessment accuracies.

SECTION 22. EFFECT ON EXISTING RID

All existing and duly created RID shall be administered according to applicable state statutes and this procedures document. Any RID created prior to the adoption of this procedures document shall be subject to the provisions of state law concerning maintenance and administration. Any provision in an existing RID not in conformity with the applicable provisions of state law will be considered void and the Board shall have the authority to administer the RID under the proper statutory directives.

SECTION 23. RURAL REVOLVING FUND

Pursuant to the authority in Section 7-12-2181 through 2186, MCA, the Board shall establish and maintain a Rural Improvement District Revolving Fund. The fund will be maintained and administered according to the above-mentioned statutes and the provisions of this policy.

SECTION 24. HEARINGS

At any time during a hearing the Board may adjourn the hearing. A new hearing must be set and notice must be provided by publication at least once in the newspaper and at least 5 days prior to the new date of the hearing. The notice must provide the new date, time and location of the hearing.

SECTION 25. SEVERABILITY

If any portion of this policy is found by a court of law to be illegal or if the Board itself, for whatever reason, deletes or changes any portion of this policy, the remaining portions shall remain in affect so far as is logical and in keeping with statutory provisions.

SECTION 26. COLLECTION OF DELINQUENT ASSESSMENTS

All assessments shall be collected in the same manner and at the same time as taxes for general and county purposes are collected. The Board may adopt the appropriate resolution to make any unpaid assessments or installments of the assessments delinquent. Upon delinquency in one or all installments, the whole property must be sold the same as other property sold for taxes.

SECTION 27. PAYMENT UNDER PROTEST

- A. A person may pay the assessment or any part of the assessment considered unlawful under protest to the Park County Treasurer.

- B. This person may bring an action in any court of competent jurisdiction against the Park County Treasurer or Park County to recover the assessment or any portion of the assessment paid. This action must be commenced within 60 days after the date of payment.
- C. The assessment being paid under protest must be held by the Park County Treasurer until the determination is made by the court.

SECTION 28. COMPLIANCE

- A. The provisions of state statute and the requirements of this procedures and policy shall be followed. Failure to do so is grounds to deny further action for the creation of an RID.
- B. Exceptions to the procedures set forth in this document will only be made in instances where the provisions of the document are unable to be met because of circumstances beyond the control of the property owner and the County. An exception in any event is limited to the situation at hand and shall not alter the procedures required in this document.
- D. The Board may, at its discretion, modify portions of this policy from time to time when the Board deems it in the best interest of the County.

DATED this 8th day of July, 2014.^(m)

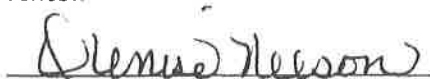
PARK COUNTY
BOARD OF COUNTY COMMISSIONERS


Marty Malone


Jim Durgan


Clint Tinsley

Attest:



Denise Nelson, Park County Clerk and Recorder

Approved as to Form:



Shannan M. Piccolo, Deputy Park County Attorney

RESOLUTION NO 1189

A RESOLUTION AMENDING THE PARK COUNTY RURAL IMPROVEMENT DISTRICT POLICIES AND PROCEDURES

WHEREAS, pursuant to Title 7, Chapter 12, part 21, MCA, the Park County Commission ("Commission") has the authority to create rural improvement districts ("RID");

WHEREAS, the Commission established polices and procedures for the creation of RIDs by passing a resolution on July 31, 2013;

WHEREAS, the Commission desires to make modifications to the RID polices and procedures previously adopted.

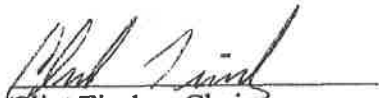
NOW, THEREFORE, BE IT RESOLVED THAT: The Park County amends the RID Policies and Procedures

BE IT FURTHER RESOLVED THAT: The amended RID Polices and Procedures adopted herein supercede all other previously adopted RID Polices and Procedures.


EFFECTIVE DATE. This Resolution shall be effective immediately upon its passage.

APPROVED AND ADOPTED this 8th day of July, 2014

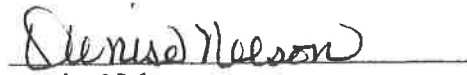
BOARD OF PARK COUNTY COMMISSIONERS


Clint Tinsley, Chair

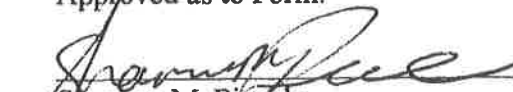

Jim Durgan, Commissioner


Marty Malone, Commissioner

Attest:


Denise Nelson
Park County Clerk and Recorder

Approved as to Form:


Shannan M. Piccolo
Deputy Park County Attorney