CITIZEN INITIATED PETITION PROCEDURE TO CREATE A CASCADE COUNTY RURAL SPECIAL IMPROVEMENT DISTRICT (RSID)

GENERAL: The Board of County Commissioners is authorized and empowered by state law to order and create rural special improvement districts (RSID's) whenever the public interest or convenience may require. (The RSID process for properties abutting city limits requires a different methodology for creation of the RSID.) The purpose of a Rural Special Improvement District is to provide **citizen funding** for improvements and maintenance of pre-existing improvements including, but not limited, to streets (dedicated and accepted not less than 5 years previous), ditches, bridges, culverts, curbs, gutters, sewers, and waterworks which benefit a particular segment of the community.

Pursuant to § 7-12-2102, M.C.A, the Board of County Commissioners may order and create RSIDs upon receipt of a Petition to create a RSID that contains the consent of **all** of the property owners to be included in the RSID. Before the Board of County Commissioners can consider a petition, there are multiple steps which must be taken by the interested public.

HOW TO REQUEST AN RSID:

The following is an outline of the steps interested members of the community need to take in order to request the Board of County Commissioners pursue an RSID on behalf of the community:

1. Landowners having legal and physical access to their land from the proposed RSID project need to meet collectively to try to achieve unanimous consensus to pursue the RSID. 100% of landowners to be included in the RSID must consent to, sign, and be in favor of any petition for creation of a RSID.

2. With the unanimous approval of the impacted community, an RSID petition packet should be obtained from the Cascade County Public Works Department Planning Division located in the Executive Plaza Building, 121 4th Street North, Suite 2H/I. The RSID packet contains all the necessary documents required for completion and submittal. If there are questions or a need for clarification about the petition procedure, the Planning Division of the Public Works Department can be phoned at 406-454-6905.

3. Complete the Petition Cover Sheet to establish a Rural Special Improvement District (Attachment A). Include the date submitted and the name, address, phone number and signature of the petitioner.

4. Upon payment in advance of $250 to the County Planning Division of the Cascade County Public Works Department (located in the Executive Plaza Building, 121 4th Street North, Suite 2H/I), the Planning Staff will provide a map defining the proposed Rural Special Improvement District area. The map shall be provided with the petition

packet as Attachment B.

5. Obtain from the County Planning Division the legal descriptions of the properties within the proposed RSID area which will be provided with the petition packet as Attachment C and an official list of all Petitioners within the proposed district, which will be provided with the petition packet as Attachment G.

6. For a road RSID, petitioners must contact a Licensed Professional Engineer to obtain an estimate of the cost to construct and/or maintain the proposed RSID to the professional's recommended standards. The Licensed Professional Engineer's estimate of work shall include an estimate for their firm to oversee the RSID bid documents, preparation, bid submittals, awarding of the contract, construction oversight, and certification of the engineer's professional recommendation. It shall also include an estimate of the Licensed Professional Engineer of the project costs.

   a. Provide a copy of the engineering report, cost estimates, and certification of the Licensed Professional Engineer's professional recommendation to the Director of Public Works at 121 4th Street North, Suite 2H/I, Great Falls, MT 59401

   b. Obtain review and sign-off as to completeness and compliance with the RSID policy from the Public Works Director.

   c. On Attachment D, indicate the annual maintenance activities desired for the project, including the estimated costs. Maintenance activities could include but are not limited to:
      i. Drainage ditches
      ii. Snow plowing/ice control
      iii. Drainage ditches
      iv. Weed control

If specific improvements are desired, please include the engineer's estimate for those improvements as part of the total itemized cost estimate.

7. Choose a Method of Assessment for the properties in the proposed Rural Special Improvement District (Attachment E).

   a. Square Footage: Each lot, tract, or parcel of land in the district is assessed based on its area as a percentage of the total property within the district.

   b. Equal Amount: Each lot, tract, or parcel of land in the district is assessed the same amount. ***(Cascade County historically utilizes this assessment as the preferred method)***

   c. Front Footage: Each lot, tract, or parcel of land in the district abutting upon the improvement is assessed based on its lineal feet abutting the improvement as a percentage of the total lineal feet of property abutting the improvement.

8. Once a method of assessment for the properties has been selected, and an estimated cost has been obtained, divide the total amount per parcel by 10 years, 15 years, or 20 years (whichever is more applicable to the project) as these are the number of years it typically takes to complete payment of a RSID expense.

NOTE: 10 years is the maximum allowable timeframe for gravel roads; and 20 years is the maximum allowable timeframe for paved roads.

9. Post-Construction Maintenance: Provide recommendations for property owners to serve on an RSID Ad Hoc Committee for the proposed Rural Special Improvement District (Attachment F). The RSID Ad Hoc Committee is composed of property owners residing within the district. Members of the RSID Ad Hoc Committee make recommendations on matters related to the Rural Special Improvement District expenditures to property owners within the district and to the Board of County Commissioners. The RSID Ad Hoc Committee shall be responsible for organizing and implementing any maintenance work to be performed by licensed contractors. They are responsible for ensuring sufficient funds exist to perform the desired maintenance work. Once work is completed, the RSID Ad Hoc Committee will submit the invoice to Cascade County Public Works Department for payment from the RSID Maintenance Account. Any cost overage that cannot be funded from the RSID Maintenance account shall be the responsibility of the RSID Ad Hoc Committee. The RSID Maintenance fund shall be annually assessed an administrative fee, the lesser of $500 or 5% of the annual assessment of the District, pursuant to MCA § 7-12-2161(5).

10. Obtain signatures of all of the property owners to be included in the creation of the proposed Rural Special Improvement District, on a petition (Attachment G). Owners must sign their name as it appears on the petition (Attachment G).

    FOR EXAMPLE: *Richard Edward Smith and Dorothy Jones Smith cannot sign as Dick Smith and Doty J. Smith.*

    NOTE: 100% of the property owners must agree to the RSID (an annual self-imposed assessment).

    Submit the petition (Attachment G) and all necessary attachments to the Cascade County Public Works Department Planning Division located in the Executive Plaza Building, 121 4th Street North, Suite 2H/I.

11. The Board of County Commissioners will review the petition for the creation of a Rural Special Improvement District. If the Board finds that the proposed District benefits the properties listed in the petition, the Board, in accordance MCA § 7-12-2103, will conduct a hearing to pass on the Resolution of Intent to Create a Rural Special Improvement District.

12. If the Resolution passes, the Board will conduct the competitive process to select a contractor for the RSID project. In the event that the Construction bid does not align with the estimated engineering costs (significantly differs from the original cost estimate), the County Commissioners may, in their discretion, conduct a second public hearing on whether to proceed with the RSID project.

ATTACHMENT A

PETITION COVER SHEET

TO: CASCADE COUNTY BOARD OF COMMISSIONERS

This petition is respectfully submitted this_____day of_____, 20___.

Petitioner/Initiator (and/or) Contact Person:

NAME: _____

ADDRESS: _____

_____

PHONE NO: _____

I swear that all of the information presented in this petition is true and correct and the landowner signatures (Section G) are the original true and consenting landowners.

_____ _____

Petitioner's Signature Date

LIST ALL ADDITIONAL ATTACHMENTS:

ATTACHMENT B
MAP OF PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT BOUNDARY
(ATTACHED)
(AS PROVIDED BY CASCADE COUNTY PLANNING DIVISION)

ATTACHMENT C
LEGAL DESCRIPTIONS
(AS PROVIDED BY THE CASCADE COUNTY PLANNING DIVISION)

PROPERTY LEGAL DESCRIPTIONS

ATTACHMENT D
ESTIMATED ANNUAL MAINTENANCE COST
(AS PROVIDED BY THE LICENSED PROJECT ENGINEER)

FALL MAINTENANCE:

ACTIVITY	ESTIMATED COST
	$
	$

WINTER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	$
	$

SPRING MAINTENANCE:

ACTIVITY	ESTIMATED COST
	$
	$

SUMMER MAINTENANCE:

ACTIVITY	ESTIMATED COST
	$
	$

TOTAL ESTIMATED ANNUAL MAINTENANCE COST: _____

ATTACHMENT E

METHOD OF ASSESSMENT

CHOOSE A METHOD OF ASSESSMENT:

☐ Square Footage

☐ Equal Amount per parcel

☐ Front Footage

☐ Other (Describe)

_____

_____

_____

_____

_____

_____

ATTACHMENT F
PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT INDIVIDUALS WILLING TO SERVE ON AN *AD HOC* COMMITTEE

	NAME	ADDRESS	PHONE	EMAIL
1.	_____ (Chairman) Print Name _____ Signature of Chairman	_____	_____	_____
2.	_____ (Committee Member) Print Name _____ Signature of Committee Member	_____	_____	_____
3.	_____ (Committee Member) Print Name _____ Signature of Committee Member	_____	_____	_____
4.	_____ (Committee Member) Print Name _____ Signature of Committee Member	_____	_____	_____
5.	_____ (Committee Member) Print Name _____ Signature of Committee Member	_____	_____	_____

ATTACHMENT G
PETITION
CONSENT OF PROPERTY OWNERS IN PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT

WE, THE UNDERSIGNED property owners, hereby provide the following information for consideration in the possible creation of an RSID. It is our understanding that if support exists for the RSID, information will be provided to the County and the County Commissioners shall take action on whether or not to create the RSID district. Should the County Commissioners create the district, WE, as property owners, understand that we shall bear the costs of the district as formally approved by the County Commissioners. **My signature and initial in the YES column indicates I <u>am in support</u> of the project. My signature and initial in the NO column indicates I <u>am opposed</u> to the project and do not want to participate.**

LEGAL DESCRIPTION OF PROPERTY	OWNER NAME	SIGNATURE	YES	NO

ATTACHMENT G (Continued)

CONSENT OF PROPERTY OWNERS IN PROPOSED RURAL SPECIAL IMPROVEMENT DISTRICT

WE, THE UNDERSIGNED property owners, hereby provide the following information for consideration in the possible creation of an RSID. It is our understanding that if support exists for the RSID, information will be provided to the County and the County Commissioners shall take action on whether or not to create the district. Should the County Commissioners create the district, WE, as property owners, understand that we shall bear the costs of the district as formally approved by the County Commissioners. **My signature and initial in the YES column indicates I am in support of the project. My signature and initial in the NO column indicates I am opposed to the project and do not want to participate.**

LEGAL DESCRIPTION OF PROPERTY	OWNER NAME	SIGNATURE	YES	NO