



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers*

*August 26, 2014
7:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
 - a. City Council Meeting 8/12/2014
 - b. Public Services Committee 8/7/2014
 - c. Human Resources Committee 8/18/2014
 - d. Finance Committee 8/21/2014
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT
4. APPOINTMENTS
5. PROCLAMATIONS
6. STAFF REPORTS
7. CITY COUNCIL COMMENTS
8. MAYOR COMMENTS
9. COMMITTEE RECOMMENDATIONS

Finance Committee: 8/21/14: Recommend \$29,263.61 in unpaid ambulance charges to be sent to collection

Human Resources: July 29, 2014: Confirm Firefighter Sarah Young
10. BID OPENING
BID AWARDS

11. PUBLIC HEARINGS

- A. **RESOLUTION NO. 3715:** A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For FY 2014-2015 To Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon
- B. **RESOLUTION NO. 3716:** A Resolution Pursuant To §15-10-203 Of The Montana Code Annotated, Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2014-2015 In Excess Of The Property Tax Revenues For The Prior Fiscal Year And Providing For Hearing Thereon
- C. **RESOLUTION NO. 3717:** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 165 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015
- D. **RESOLUTION NO. 3718:** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 167 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015
- E. **RESOLUTION NO. 3719:** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 171 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015
- F. **RESOLUTION NO. 3720:** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 172 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015
- G. **RESOLUTION NO. 3721:** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 195 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015
- H. **RESOLUTION NO. 3722:** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 202 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015
- I. **RESOLUTION NO. 3723:** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 173 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015

- J. **RESOLUTION NO. 3724:** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 204 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 204 For The Fiscal Year 2014-2015
- K. **RESOLUTION NO. 3725:** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 205 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 205 For The Fiscal Year 2014-2015
- L. **RESOLUTION NO. 3726:** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 207 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 207 For The Fiscal Year 2014-2015
- M. **RESOLUTION NO. 3727:** A Resolution Approving The Work Plan And Budget For Fiscal Year 2014-2015 For Business Improvement District No. 101, And Providing For Hearing Thereon
- N. **RESOLUTION NO. 3731:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO. 202 Fund 2470 For Machinery And Equipment Expenses
- O. **RESOLUTION NO. 3732:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Emergency Disaster Fund 2260 For Transfers To Other Funds
- P. **RESOLUTION NO. 3733:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Retired Senior Volunteer Program Fund 2985 For Vacation Expenses
- Q. **RESOLUTION NO. 3734:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO.165 Fund 2400 For Electrical Utilities Expenses And Machinery/Equipment Expenses
- R. **PUBLIC HEARING** on FY 2014-2015 Preliminary Budget

12. **UNFINISHED BUSINESS**

- A. **OFFER OF AMENDMENTS TO FY 14-15 PRELIMINARY BUDGET**
- B. **RESOLUTION NO. 3715:** *(Second Reading)* A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For FY 2014-2015 To Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon
- C. **RESOLUTION NO. 3716:** *(Second Reading)* A Resolution Pursuant To §15-10-203 Of The Montana Code Annotated, Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2014-2015 In Excess Of The Property Tax Revenues For The Prior Fiscal Year And Providing For Hearing Thereon

- C. **RESOLUTION NO. 3717:** *(Second Reading)* A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 165 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015
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- K. **RESOLUTION NO. 3725:** *(Second Reading)* A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 205 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 205 For The Fiscal Year 2014-2015

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13. **NEW BUSINESS**

- A. **RESOLUTION NO. 3739:** A Resolution Authorizing The City Of Miles City To Enter Into An Intergovernmental Transfer Agreement For Medicaid Supplement Payment Purposes Contract With The State Of Montana Department Of Public Health And Human Services
- B. **RESOLUTION NO. 3740:** A Resolution Authorizing The City Of Miles City To Enter Into A CTEP Project Specific Agreement With The State Of Montana Department Of Transportation For Development Of A Bike And Pedestrian Path In Miles City
- C. **RESOLUTION NO. 3741:** A Resolution Authorizing The City Of Miles City To Enter Into A State-Local Disaster Assistance Agreement With The State Of Montana For The Purpose Of Accepting A Hazard Mitigation Grant To Assist In Funding The City's Flood Control Assessment
- D. **RESOLUTION NO. 3710:** A Resolution Electing To Operate Under The All-Purpose Mill Levy And Fixing The Tax Levy For The General Fund, Ambulance Fund And Airport Fund To Be Levied And Assessed On All The Taxable Property In The City Of Miles City For Fiscal Year 2014-2015

- E. **RESOLUTION NO. 3711:** A Resolution Approving And Adopting A Final Budget For The City Of Miles City For FY 2014-2015; Authorizing Procedure For Adjustments To Appropriations For Certain Fee Based Budgets; Authorizing Procedure For Transferring Appropriations Between Items Within The Same Fund

14. **ADJOURNMENT**

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request of Citizens, provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings

REGULAR COUNCIL MEETING **August 12, 2014**
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, August 12, 2014, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C.A. Grenz called the meeting to order. Council Members present were Roxanna Brush, Mark Ahner, Dwayne Andrews, Ken Gardner, Susanne Galbraith, Sheena Martin, John Hollowell and Jerry Partridge.

Also present were Public Works Director Scott Gray, City Attorney Dan Rice, Historic Preservation Officer Connie Muggli, Interim Fire Chief/Battalion Chief Scott Moore, City Clerk Lorrie Pearce, Fire Department Captain Cameron Duffin, Firefighter Mike Miller and Sarah Young, Library Director Sonja Woods and Librarian Hannah Nash, Grant Administrator/Planner in Training Dawn Colton, Public Utilities Director Allen Kelm, Flood Plain Administrator Samantha Malenovsky, HR/Payroll Clerk Billie Burkhalter, Police Chief Doug Colombik and Deputy City Clerk/Minute Recorder Connie Watts.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 7/22/2014

****** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of July 22, 2014, seconded by Councilperson Hollowell and passed unanimously, 8-0.*

Human Resources Committee Meeting: 7/29/2014

****** *Councilperson Brush moved to approve the minutes of the Human Resources Committee Meeting of July 29, 2014, seconded by Councilperson Gardner and passed unanimously, 8-0.*

Finance Committee Meeting: 7/30/2014

- ** Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of July 30, 2014, seconded by Councilperson Hollowell and passed unanimously, 8-0.

Human Resources Committee Meeting: 8/4/2014

- ** Councilperson Gardner moved to approve the minutes of the Human Resources Committee Meeting of August 4, 2014, seconded by Councilperson Brush and passed unanimously, 8-0.

Public Safety Committee Meeting: 8/5/14

- ** Councilperson Ahner moved to approve the minutes of the Public Safety Committee Meeting of August 5, 2014, seconded by Councilperson Partridge and passed unanimously, 8-0.

SCHEDULE MEETINGS

- Planning Board: August 19 @ 6:00

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Connie Muggli, Historical Preservation Officer

- Reported on the TIF District: met with Custer County and the School Board; will meet with the Planning Board on the 19th.

Scott Gray, Public Works Director

- Wanted to recognize a couple of young individuals who have done some work for the City as part of their Eagle Scout program – Chris Austin painted the gazebo in Riverside Park and Andrew Helland took on the Milwaukee Park by refinishing the sign, refinishing the table and installing new swings and a BBQ pit. He thanked them both for doing a wonderful job.
- Thanked Sherwin Williams for finishing the painting of the shelter at Riverside Park

- Announced that Oasis pool will close next Tuesday (August 19th), as lifeguards are going back to school. Hopefully there will be enough lifeguards to enable the frog pool at Wibaux Park to stay open until after Labor Day.

CITY COUNCIL COMMENTS

Dwayne Andrews

- Thanked the City crews for the many improvements he has noticed around town. He knows there is a lot to do, but he said their work is definitely making a difference.

MAYOR COMMENTS

- Acknowledged the Finance Committee and especially Susanne Galbraith for the work on this year's budget.

STANDING COMMITTEE RECOMMENDATIONS

Human Resources: 7/29/14 Recommend Confirmation of Firefighter Sarah Young Mayor Grenz asked Sarah Young to step forward.

In a brief ceremony, Interim Fire Chief Scott Moore welcomed Firefighter Young as a firefighter with the City of Miles City.

BID OPENING

None

BID AWARDS

None

PUBLIC HEARINGS

- A. RESOLUTION NO. 3709:** A Resolution Revising And Correcting Resolution 3697, And Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon

Mayor Grenz called for comments from proponents three times, then opponents three times and, hearing none, **the hearing was closed.**

- B. HOUSING SOLUTIONS, LLC:** Whether Its Proposed Qualifying Low-Income Rental Housing Complex, Located Behind Albertson's and Referred

To As Stower Commons, Meets A Community Housing Need In Miles City, Montana

PROPONENTS:

Alex Burkhalter, Housing Solutions, LLC, spoke in favor of the Stower Commons project. They will continue to press forward with the application, which was turned in on Monday, July 25th.

Mike Coryell of the Miles City Economic Development office, spoke in favor of the project, saying he thought it was a good opportunity to provide housing, as well as developing property that really needs to be developed.

OPPONENTS:

Mayor Grenz read a letter from **Melissa Hartman, written in her capacity as administrator of the Miles City Housing Authority**. She expressed opposition to the project. The letter states she does not think the community of Miles City is able to support another low income housing complex at this time. She uses the waiting list for The Cornerstone, a low-income housing complex that she administers, for her argument. The Cornerstone does not have a waiting list for two and three bedroom units and has not had for some time. There is, however, a lengthy waiting list for one bedroom units.

Hearing no more comments, **the hearing was closed.**

C. OPEN PUBLIC HEARING on Preliminary Budget for Fiscal Year 14-15

PROPONENTS:

Sandra Anderson, Anderson Foundation, expressed support for the Historical Preservation budget. Historical Preservation is vital for the economic revitalization of downtown. The Anderson Foundation has supported this idea by providing matching funds for grants.

Kathy Doeden, Chairperson of the Miles City Historic Preservation Commission, also expressed support for the Historic Preservation budget. Mayor Grenz thanked her for all she does on behalf of the City.

OPPONENTS: None

Hearing no more comments, **the hearing was closed.**

UNFINISHED BUSINESS

- A. **RESOLUTION NO. 3709:** *(Second Reading)* A Resolution Revising And Correcting Resolution 3697, And Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon

** *Councilperson Ahner moved to approve Resolution No. 3709, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 3709 was adopted.*

- B. **RESOLUTION NO. 3706:** *(Tabled at July 22, 2014 meeting)* A Resolution Vacating, Discontinuing, And Closing A Portion Of Yellowstone Boulevard In Block 4 And The Alley In Block 2 Of The Milwaukee Park Addition To The City Of Miles City, Montana

** *Councilperson Galbraith moved to approve the resolution, read by title only and seconded by Councilperson Gardner.*

Councilperson Ahner has reviewed past closures of City property and has found that, in some previous closures, reservations were made for building a dike. He asked the City Attorney if this reservation could be included in numbered Paragraph 3 of the resolution.

Kathy Doeden, who is asking for the closing of the alley and Yellowstone Boulevard, said she is not as concerned about Yellowstone Boulevard as she is the alley, as FEMA is only concerned about the alley.

** *Councilperson Ahner moved amend the original motion to delete everything about Yellowstone Boulevard from the resolution, seconded by Councilperson Galbraith.*

Samantha Malenovsky, Floodplain Administrator, said that a Letter of Map Amendment (LOMA,) which is what Mrs. Doeden needs from FEMA, does require community approval when the property is in the floodway, and she is required to sign it. As Mrs. Doeden does not intend to build on this property, Administrator Malenovsky has no concerns.

* *On Councilperson Ahner's motion to amend, and on roll call vote, the motion passed by unanimous consent, 8-0.*

- * *On Councilperson Galbraith's original motion to approve Resolution 3706, and on roll call vote, the motion passed by unanimous consent, 8-0, as amended. Resolution 3706 was adopted, as amended.*

NEW BUSINESS

A. BUDGET AMENDMENTS to FY 14-15 PRELIMINARY BUDGET

Councilperson Ahner said he would like to make some amendments, but not until the next Council meeting.

- ** *Councilperson Galbraith moved to amend the preliminary budget as follows, seconded by Councilperson Andrews:*

5310-031-430630-532	from	\$550	to	\$700
5310-031-430630-940	from	\$12,500	to	\$98,600

Public Utilities Director Kelm explained that he had forgotten to put the sewer fund's portion of the front-end loader, sewer camera, truck box and GPS in the preliminary budget.

- * *Councilperson Galbraith's motion to amend the preliminary budget, on roll call vote, then passed by unanimous consent, 8-0.*

- ** *Councilperson Hollowell moved to amend the preliminary budget as follows, seconded by Councilperson Brush:*

1000-002-470300-350	from	\$12,000	to	\$13,438
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Councilperson Hollowell explained he feels the Southeastern Montana Development Corporation is a very valuable asset to Miles City. He also mentioned that if the City is a member in good standing, SEMDC's grant writer's services are available to the City. He indicated his strong support to fully fund the SEMDC contribution.

- * *Councilperson Hollowell's motion to amend the preliminary budget, on roll call vote, then passed by unanimous consent, 8-0.*

B. ORDINANCE NO. 1275: An Ordinance Changing The Zoning Of Tract A Of Document #153542, Envelope 500b, And Located Within Section 11 Of Township 7 North, Range 47 East, M.P.M., From Agriculture District Zone To General Commercial Zone, And Providing For A Hearing Thereon (Request from Brad Certain on Highway 59 South)

****** *Councilperson Gardner moved to approve Ordinance No. 1275 on first reading and read by title only, seconded by Councilperson Brush.*

Councilperson Andrews noted that the most recent rezone request was recommended to be denied by the Zoning Commission and this one, which is directly across the road, was recommended to be passed.

Councilperson Gardner said that the owners of this property have offered to sign a no-protest agreement if the City annexes the property, this one is moving forward in a more orderly manner, and he feels it is very important to encourage development in that area.

Councilperson Ahner directed the Council's attention to Article VI, Paragraph 1 of the "Declaration of Commercial Covenants," wherein it states, "The covenants created and established in this instrument may be waived, terminated or modified, in whole or in part, by the unanimous written consent of all owners." He was concerned that this clause might give the owners the right to NOT sign a no-protest agreement to annexation.

****** *Councilperson Ahner moved to amend Ordinance 1275 so that the no-protest to annexation be a requirement of the property owners in this development. Councilperson Partridge seconded the motion to amend and, on roll call vote, the motion passed by unanimous consent.*

***** *Councilperson Gardner's original motion to approve Ordinance 1275 on first reading then passed by unanimous consent, 8-0, as amended.*

C. COUNCIL HEARING: Grievance from Tony Shipp, Water/Wastewater Plant

Attorney Rice explained that a Council hearing is Step 2 in the grievance process for Local 283A. Tony Shipp, Water/Wastewater Plants, has filed a grievance alleging that there is no foreman at those facilities as there are at other City facilities. There is a wage set up in the contract in the event those positions are filled. The City is not required to fill them, however.

Tony Shipp explained that it has been two years and the positions have never been filled, nor has he ever seen a job description.

Director Kelm said the upgrades mandated by the Department of Environmental Quality will require lot more testing, and then a foreman at both facilities may be needed. Also, as the facilities get older, more maintenance is needed. He has looked at the job description, but needs to make some changes.

Tom Speelmon, President of 283A, asked for an evaluation to determine if these positions would be beneficial in the near future. They do not currently exist, but he feels they will be needed soon. He asks that the two positions be created.

Director Kelm recommended that the grievance be denied at this time, as the job descriptions and the proposed positions are still being evaluated. He felt that by the first of the year he should be able to have a better idea of the necessity of the positions.

**** Councilperson Ahner moved for approval of the City Attorney and Public Utilities Director's recommendations to deny the grievance at this time, seconded by Councilperson Gardner.**

**** Councilperson Hollowell moved to amend the motion to include that the staff continue to evaluate the position to determine whether is warranted, seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0.**

*** Councilperson Ahner's original motion to deny the grievance was, on roll call vote, then passed unanimously, 8-0, as amended.**

D. ORDINANCE NO. 1276: An Ordinance Enacting A New Section 2-108 Of The Code Of Ordinances Of The City Of Miles City, Entitled "Executive Clemency"

**** Councilperson Gardner moved to approve Ordinance 1276 on first reading and read by title only. No second was received. Ordinance No. 1276 died for lack of a second.**

E. RESOLUTION NO. 3712: A Resolution Of The City Council Submitting To The Qualified Electors Of The City Of Miles City, Montana, The Question Of Authorizing The City Of Miles City To Exceed The Statutory Mill Levy Limit Provided For In Section 15-10-420, Montana Code Annotated, By Levying Fifty (50) Mills To Fund Over Expenditure In Ambulance Fund No. 5510, All Pursuant To Section 15-10-425, Montana Code Annotated

**** Councilperson Brush moved to approve Resolution No. 3712, read by title only and seconded by Councilperson Ahner.**

Some councilpersons felt that, although they might personally vote against the mill levy on election day, they felt this resolution would give the voters a chance to express how they feel about the ambulance service.

Other councilpersons said the vote by the people only expresses how they would feel about paying more taxes, not how they might feel about the ambulance service itself. These councilpersons said many changes have been made to try to improve the fiscal health of the department, but not enough time has passed since these changes to give them a chance to work.

Fire Captain Cameron Duffin and Firefighter Mike Miller, representing the firefighter's Union Local 600, spoke against the resolution. They also felt not enough time has passed to assess what impact the changes may have.

* *On roll call, the vote was four to four, with Councilpersons Galbraith, Martin, Hollowell and Andrews voting no. Mayor Grenz broke the tie by voting in favor of Councilperson Brush's motion. **Resolution No. 3712 was adopted.***

F. **RESOLUTION NO. 3713:** A Resolution Of The City Council Of The City Of Miles City, Montana, Establishing Administrative Fees And Charges For Processing Citations In City Court

** *Councilperson Ahner moved to approve Resolution No. 3713, read by title only and seconded by Councilperson Gardner.*

Attorney Rice explained that, with increasing costs and workload, this will help cover those costs. It has been working in Missoula and has not yet been challenged.

* *Councilperson Ahner's motion to approve the resolution then passed by unanimous consent, 8-0. **Resolution No. 3713 was adopted.***

G. **RESOLUTION NO. 3714:** A Resolution To Open South Custer Avenue Between Pearl Street And Fort Street During Limited Hours

Public Works Director Gray said this request has been made by the principal of Lincoln School. An additional 80 students will be added to the school this year, which is going to result in even more traffic congestion during morning and afternoon drop-off and pick-up times than usual. He stated that this is clearly a safety issue. He suggested that the situation be reevaluated in six months so that any problems can be addressed.

** *Councilperson Ahner moved to approve Resolution 3714, read by title only and subject to a formal request by the School District or Board of Trustees. The motion was seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. **Resolution No. 3714 was adopted.***

H. **RESOLUTION NO. 3715:** *(First Reading)* A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For FY 2014-2015 To Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon

** *Councilperson Galbraith moved to adopt Resolution 3715, read by title only and seconded by Councilperson Brush. On roll call vote, the motion passed by unanimous consent, 8-0. **Resolution No. 3715 was adopted.***

I. **RESOLUTION NO. 3716:** *(First Reading)* A Resolution Pursuant To §15-10-203 Of The Montana Code Annotated, Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2014-2015 In Excess Of The Property Tax Revenues For The Prior Fiscal Year And Providing For Hearing Thereon

** *Councilperson Brush moved to adopt Resolution 3716, read by title only and seconded by Councilperson Hollowell. On roll call vote, the motion passed by unanimous consent. **Resolution 3716 was adopted.***

CONSENT AGENDA

** *Councilperson Ahner moved to place Items J through T on a consent agenda, seconded by Councilperson Andrews and passed unanimously.*

J. **RESOLUTION NO. 3717:** *(First Reading)* A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 165 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015

K. **RESOLUTION NO. 3718:** *(First Reading)* A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 167 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2014-2015

L. **RESOLUTION NO. 3719:** *(First Reading)* A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 171 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing

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- Q. **RESOLUTION NO. 3724:** *(First Reading)* A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 204 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 204 For The Fiscal Year 2014-2015
- R. **RESOLUTION NO. 3725:** *(First Reading)* A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 205 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 205 For The Fiscal Year 2014-2015
- S. **RESOLUTION NO. 3726:** *(First Reading)* A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 207 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 207 For The Fiscal Year 2014-2015
- T. **RESOLUTION NO. 3727:** *(First Reading)* A Resolution Approving The Work Plan And Budget For Fiscal Year 2014-2015 For Business Improvement District No. 101, And Providing For Hearing Thereon

** *Councilperson Hollowell moved to pass all items on the Consent Agenda, seconded by Councilperson Brush and passed unanimously. Resolutions No. 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726 and 3727 passed on first reading.*

- U. **RESOLUTION NO. 3728:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With The Custer County Water And

Sewer District For Flushing Hydrants In Calendar Year 2014

****** *Councilperson Galbraith moved to approve Resolution 3728, read by title only and seconded by Councilperson Ahner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution 3728 was adopted.*

V. RESOLUTION NO. 3729: A Resolution Amending Special Improvement District Number 211, For Improvement And Paving Of Certain Portions Of Arrowhead Lane Within The Southgate Meadows Subdivision In Miles City, Montana

Councilperson Hollowell explained that the developer, M & L Enterprises, is increasing its costs by about \$18,000, and the property owners' costs are decreasing.

****** *Councilperson Galbraith moved to approve Resolution 3729, read by title only and seconded by Councilperson Brush. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution 3729 was adopted.*

W. RESOLUTION NO. 3730: A Resolution Approving The Waiver Of 50% Of Building Permit Fees And 50% Of Water And Sewer Connection Fees And Reducing Parking Requirements To 1.5 Stalls Per Unit For The Stower Commons Affordable Housing Property

****** *Councilperson Gardner moved to approve Resolution 3730, read by title only and seconded by Councilperson Brush.*

Councilperson Galbraith said she had some concerns about reducing the building permit fees, as the building inspector's compensation is 60% of the building permit fee. She suggested that the City reduce the fee by 40%, waiving the City's portion and leaving 60% for the Building Inspector.

****** *Councilperson Galbraith moved to amend the motion so that Building Permit Fees would be reduced by 40% instead of 50%, seconded by Councilperson Andrews and, on roll call vote, passed unanimously.*

Regarding the water/sewer connection fees, Director Kelm asked if the City would reduce fees for all low-income housing projects, and what would the criteria be to determine this. Councilperson Ahner thought that all building permit fees had been waived for the Cornerstone Apartments.

****** *Councilperson Ahner moved to amend the original motion to reduce water and sewer connection fees by 40% instead*

of 50%, seconded by Councilperson Hollowell and, on roll call vote, passed unanimously, 8-0.

- * *Councilperson Gardner's motion to approve Resolution 3730 then passed, on roll call vote, by unanimous consent. **Resolution 3730 was adopted, as amended.***

Alex Burkhalter reminded the Council that, when the time comes to rezone the property from Agricultural, he has already agreed to sign a no-protest agreement. He also mentioned that the Board of Housing meeting regarding this issue will be in Billings on September 15, beginning at 8:30 a.m., and asked as many people to come as could make it.

- X. **RESOLUTION NO. 3731:** *(First Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO. 202 Fund 2470 For Machinery And Equipment Expenses

- ** *Councilperson Galbraith moved to approve Resolution 3731 on first reading, read by title only and seconded by Councilperson Ahner. On roll call vote, the motion passed by unanimous consent, 8-0.*

- Y. **RESOLUTION NO. 3732:** *(First Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Emergency Disaster Fund 2260 For Transfers To Other Funds

- ** *Councilperson Gardner moved to approve Resolution 3732 on first reading, read by title only and seconded by Councilperson Brush. On roll call vote, the motion passed by unanimous consent, 8-0.*

- Z. **RESOLUTION NO. 3733:** *(First Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Retired Senior Volunteer Program Fund 2985 For Vacation Expenses

- ** *Councilperson Brush moved to approve Resolution 3733 on first reading, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0.*

AA. **RESOLUTION NO. 3734:** *(First Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO.165 Fund 2400 For Electrical Utilities Expenses And Machinery/Equipment Expenses

** *Councilperson Galbraith moved to approve Resolution 3734 on first reading, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 8-0.*

BB. **RESOLUTION NO. 3735:** A Resolution Authorizing The City Of Miles City To Enter Into A Renewable Resource Grant Agreement With The Conservation And Resource Development Division Of The Montana Department Of Natural Resources And Conservation

** *Councilperson Ahner moved to approve Resolution 3735 in the amount of \$100,000, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. **Resolution 3735 was adopted.***

CC. **RESOLUTION NO. 3736:** A Resolution Authorizing The City Of Miles City To Enter Into An Engineering Services Agreement With Kadrmas, Lee & Jackson, Inc., A North Dakota Corporation

** *Councilperson Gardner moved to approve Resolution 3736, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. **Resolution 3736 was adopted.***

DD. **RESOLUTION NO. 3737:** A Resolution Approving An Agreement Between The City Of Miles City And M&L Enterprises Inc., A Montana Corporation, For The Installation Of Curb, Gutter, And Gravel Work For Certain Portions Of Arrowhead Drive

** *Councilperson Brush moved to approve Resolution 3737, read by title only and seconded by Councilperson Hollowell. On roll call vote, the motion passed by unanimous consent, 8-0. **Resolution 3737 was adopted.***

EE. **RESOLUTION NO. 3738:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With The County Of Custer County, Montana, And The School Board Of Trustees, Miles City Unified School District, For The Funding Of A School Resource Officer For FY 2014-2015

- ** *Councilperson Ahner moved to approve Resolution 3738, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution 3738 was adopted.*

PARDON OF ROB SHIPLEY

As Ordinance 1276 failed to pass, Mayor Grenz said that he is authorized by Montana Code to grant pardons for City violations. He felt the 90 days was extreme and noted that the City must pay \$60 per day to hold prisoners. By Montana law he must inform the Council of his intent to pardon and, therefore, is now informing the Council that he intends to pardon Rob Shipley.

FF. APPROVAL OF JULY CLAIMS

- ** *Councilperson Galbraith moved to approve July claims, seconded by Councilperson Gardner and passed unanimously.*

ADJOURNMENT.

- ** *Councilperson Brush moved to adjourn the meeting, seconded by Councilperson Hollowell and passed unanimously, 8-0.*

The meeting was adjourned at 9:20 p.m.

C.A. Grenz, Mayor

**Lorrie Pearce
City Clerk**

Public Services Committee Meeting
August 7, 2014

The Public Services Committee met Thursday, August 7, 2014, at 6:00 pm in the City Hall conference room. Present were Committee Chairperson Jerry Partridge and Committee Members Dwayne Andrews and Susanne Galbraith. Committee Member John Hollowell was excused. Also present was Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Partridge called the meeting to order.

1. REQUESTS OF CITIZENS/PUBLIC COMMENT

None

2. REQUEST TO INSTALL FACILITIES AT SPOTTED EAGLE FOR RECREATIONAL PURPOSES

Bill Ronning, Duncan Bartholomew and C. J. Trusdale, board members of Walleyes Unlimited, spoke to the committee about the organization's desire to build an outdoor classroom at the west side of the lake for instructional activity. The facility would be in the form of a teepee, which would be in keeping with the original nature of the area.

A cement slab would be poured and the teepee, constructed of metal poles, would be erected on top of the cement. The BLM has offered to put up informational boards at the site. A metal imprint behind the structure will be donated depicting Native Americans as they came to and from the camp. They also intend to put cement benches around the structure so people can sit during classes or just for visitors to use if no classes are being conducted there at the time. The structure will not be covered.

An old restroom is located on the west side of the lake, which they also intend to replace. The planned facilities will be ADA compliant.

*** Committee Member Galbraith moved to recommend approval of Walleyes Unlimited plan to construct an instructional area at Spotted Eagle, as well as approval of its other planned improvements. The motion was seconded by Committee Member Andrews and, after brief discussion, passed unanimously, 3-0.*

3. REQUEST TO INSTALL A BICYCLE RACK IN FRONT OF DOOR 804

Ahna Irish, owner of Door 804, requested permission to install a bicycle rack in front of her business at 804 Main Street. The tree originally planted in front of the business is gone, but the grate is still there. She suggested the City could remove the grate and save it for future use. She is trying to find a western-themed bicycle rack, similar to the others installed along Main Street. A rack that could hold three or four bicycles would be large enough.

** *Committee Member Andrews moved to recommend the owners of Door 804 be allowed to fill in the grate area with concrete, level it and install a bicycle rack in front of their business at 804 Main, while trying to obtain a rack close in appearance to the other ones currently on Main Street. The motion was seconded by Committee Member Galbraith and passed unanimously, 3-0.*

ADJOURNMENT

** *Having no further business, Committee Member Galbraith moved to adjourn, seconded by Committee Member Andrews and passed unanimously, 3-0. The meeting was adjourned at 6:15 p.m.*

Respectfully Submitted:

Jerry Partridge, Chairperson

Connie Watts, Recorder

Human Resources Committee
August 18, 2014

The **Human Resources Committee** met Monday, August 18, 2014, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush and Committee Members Sheena Martin and Ken Gardner. Committee Member Mark Ahner was excused. Also present was Committee Recorder HR/Payroll Officer Billie Burkhalter.

1. Request of Citizens

-None.

2. Committee Member Comments

-None.

3. Review and Recommendation of updated Personnel Policy Manual

• **Section 1: Recruiting and Hiring**

Chairperson Brush stated she had reviewed over the requested changes and/or additions to the policy and was in agreement with them.

*** Committee Member Brush moved to recommend to City Council to adopt the updated Personnel Policy Manual; Section 1: Employment Anti-Discrimination Practices; Section 2A: Recruitment and Selection and Section 2-B Recruitment and Selection Forms. Motion seconded by Committee Member Martin and motion passed unanimously.*

4. Adjournment

*** Committee Member Martin moved to adjourn the meeting. The motion was seconded by Committee Member Gardner and passed.*

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Billie D. Burkhalter, Recorder

Chairperson Roxanna Brush

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SECTION 1

Employment Anti-Discrimination Practices



City of Miles City

	CITY OF MILES CITY PERSONNEL POLICY	Effective Date:	
		Last Revised:	
Employment Anti-Discrimination Practices			
Resolution #			

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

The City of Miles City believes that equal opportunity in employment is a moral and legal obligation. The City of Miles City is committed to providing equal opportunity for women, minorities, veterans, and person with disabilities in employment. The City of Miles City is further committed to upholding the multiple federal and state laws that prohibit discrimination on the basis of race, sex, age, religion, national origin, marital status, color, creed, disability (physical and mental), political beliefs, and veteran status.

POLICY

It is the policy of the City of Miles City to recruit and select persons for appointment and employment, and to train, advance, promote, and transfer such persons on the basis of individual capability, potential, or contribution to the programs and goals of the City.

The City of Miles City respects, supports, and observes the laws, directives and regulations of the state and federal government that prohibit discrimination. The effect of these laws is to remove the barriers that prevent qualified individuals with disabilities from enjoying the same employment opportunities that are available to persons without disabilities. Therefore, no department may discriminate against a qualified individual with a disability on the basis of the disability in any aspect of the employment relationship, including:

- ✓ Recruitment, advertising, and job application procedures;
- ✓ Hiring, upgrading, promotion, award of tenure, demotion, transfer, reassignment,

- layoff, termination, right of return from layoff, and rehiring;
- ✓ Rates of pay or any other form of compensation and changes in compensation;
- ✓ Job assignment, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- ✓ Leaves of absence, sick leave or any other leave;
- ✓ Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- ✓ Selection and financial support for training, including: apprenticeships, professional meetings, conferences and other related activities, and selection for leaves of absence to pursue training;
- ✓ Activities sponsored by a covered entity including social and recreational programs; and,
- ✓ Any other term, condition, or privilege of employment.

AMERICANS WITH DISABILITIES ACT (ADA):

The City of Miles City is required to make a reasonable accommodation to known physical or mental limitations of an otherwise qualified individual unless to do so would impose an undue hardship on the employer. The ADA defines a qualified individual with a disability as an individual with a disability who satisfies the requisite skill, experience, education and other job related requirements of the position and who, with or without a reasonable accommodation, can perform the essential functions of the position.

A disability is a physical or mental impairment that substantially limits one or more major life activities. The term also applies to someone with a record of impairment or who is perceived or regarded as having a disability.

Essential functions mean the fundamental job duties of the position that are required to be performed by the employee either with or without an accommodation. A job function may be considered essential for several reasons including:

- ✓ The reason the position exists is to perform the function;
- ✓ There are limited number of employees available among whom the performance of that job function can be distributed; and/or
- ✓ The function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Whether a function is essential is a factual determination that must be made on a case-by-case basis. Evidence of whether a particular function is essential includes, but is not limited to:

- ✓ The employer's judgment as to which functions are essential;
- ✓ Written job descriptions prepared before advertising or interviewing applicants for the job;

- ✓ The amount of time spent on the job performing the function;
- ✓ The consequences of not requiring the incumbent to perform the function;
- ✓ The terms of a collective bargaining agreement;
- ✓ The work experience of past incumbents in the job; and/or
- ✓ The current work experience of incumbents in similar jobs.

It is critical to know which of the duties of a job are essential functions, because it may determine whether a person is qualified under ADA. A person must be able to perform the essential functions of the job either with or without a reasonable accommodation.

An accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodation:

1. Accommodations that are required to ensure equal opportunity in the application process;
2. Accommodations that enable employees with disabilities to perform the essential functions of the position held or desired; and,
3. Accommodations that enable employees with disabilities to enjoy benefits and privileges of employment as are enjoyed by employees without disabilities.

An employer is not required to provide an accommodation that will impose an undue hardship on the operation of the employer's business. An undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, or be disruptive. The Human Resources Officer should be contacted for information regarding undue hardship concerns.

The factors that are considered in determining whether an accommodation would impose an undue hardship include:

- ✓ The nature and net cost of the accommodation, taking into consideration the availability of tax credits and deductions, and/or outside funding;
- ✓ The overall financial Resources of the City, the number of persons employed at such facility, and the effect of expenses and Resources;
- ✓ The overall financial Resources of the employer, the overall size of the business with respect to the number of its employees, and the number, type and location of its facilities;
- ✓ The type of operation of the business, including the composition, structure and functions of the workforce, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity;
- ✓ The impact of the accommodation upon the operation of the facility including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Applicants, employees and members of the public may file a grievance or complaint

based on the application or interpretation of laws, written rules, personnel policies and procedures which adversely affects them, unless specifically prohibited from doing so by statute or rule. Nothing in the City's rules precludes an applicant, employee, or member of the public who is alleging unlawful discrimination from concurrently exercising any statutorily protected right to file a timely complaint with a civil rights enforcement agency.

CLOSING

The City of Miles City will continue to monitor both State and Federal laws and will inform employees of any policy changes. The City reserves the right to change its policy or to make appropriate revisions, additions, or corrections as needed.

EQUAL EMPLOYMENT OPPORTUNITY:

PURPOSE

It is the objective of this policy to establish minimum standards for the implementation of Equal Employment Opportunity/Affirmative Action programs for all City departments, in compliance with relevant State and Federal law or regulation and executive order.

POLICY

It is the policy of the City of Miles City that:

- ✓ Equal Employment Opportunity is a goal of City government;
- ✓ Discriminatory barriers to employment or services in City government based on race, color, religion, creed, sex, national origin, age, physical or mental disability, marital status, or political belief must be eliminated, in accordance with relevant State and Federal laws; and
- ✓ An effective City Equal Employment Opportunity program must be implemented and maintained.
- ✓ Compliance with 49-3-201MCA will be accomplished by:
 - Promulgating written directives to carry out EEO Policy and to guarantee equal employment opportunities in all levels of government;
 - Regularly reviewing personnel practices to assure compliance;
 - Conducting continuing orientation and training programs with emphasis on human relations and fair employment practices.

MAYOR AND HUMAN RESOURCES OFFICERS RESPONSIBILITIES:

The Mayor in conjunction with the Human Resources Officer has the responsibility to

administer and implement the City's Equal Employment Opportunity.

At the minimum, the Mayor in conjunction with the Human Resources Officer shall perform the following functions:

- ✓ Develop EEO standards and guidelines, and administrative systems to support the City's EEO program;
- ✓ Provide for any EEO analysis and technical assistance needed;
- ✓ Review and approve all City affirmative action plans for compliance with Federal and State Law and with the requirements of Equal Employment Opportunity guidelines;
- ✓ Provide training for City departments.

CITY PROGRAM:

The Mayor in conjunction with the Human Resources Officer is responsible for the implementation of the City's equal employment opportunity. All City Departments are covered under this rule.

The program at a minimum shall include a policy statement and a plan of corrective measures described in this rule.

The City shall develop a written EEO Policy Statement for internal and external dissemination. The EEO policy statement shall include, at a minimum, the following elements:

- ✓ A statement that it is the policy of the City to provide equal employment opportunity (EEO) to all person regardless of race, color, religion, creed, sex, national origin, age, disability, marital status or political belief with the exception of special programs established by law
- ✓ The City will take action to equalize employment opportunities at all levels of agency operations where there is evidence that there have been barriers to employment for those classes of people who have traditionally been denied equal employment opportunity;
- ✓ The City will make a commitment to provide reasonable accommodations to any known disability that may interfere with a disabled applicant's ability to compete in the selection process or a disabled employee's ability to perform the essential duties of a job;
- ✓ The City will guarantee employee protection against retaliation for lawfully opposing any discriminatory practice, including the filing of an internal grievance, the filing of a union grievance, the filing of a Discrimination/Harassment Complaint, the initiation of an external administrative or legal proceeding or testifying in or participation in any of the above;
- ✓ Assign responsibility for coordinating the City program and for attempting to resolve employee EEO complaints to a designated EEO Officer and assigning

responsibility for implement the program to all Department Directors and supervisors

- ✓ Mayor and Human Resources Officers signature and date.

When required, the Mayor in conjunction with the Human Resources Officer shall establish an EEO Action Plan, which is based on an analysis of current data, which identifies problem areas and establishing goals, timetables and action items to correct problem areas.



CITY OF MILES CITY

Effective
Date:

Last Revised:

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of the City of Miles City to provide equal employment opportunity (EEO) to all persons regardless of race, color religion creed, sex, national origin, age, mental or physical disability, marital status, or political belief with the exception of special programs established by law.

The City of Miles City will take action to equalize employment opportunities to all levels of City operations where there is evidence that there have been barriers to employment for those classes of people who have traditionally been denied equal employment opportunity.

The City of Miles City makes a commitment to provide reasonable accommodation to any known disability that may interfere with a disabled applicant's ability to compete in the selection process or a disabled employee's ability to perform the duties of the job.

The City of Miles City guarantees employee protection against retaliation for lawfully opposing any discriminatory practice, including the filing of an internal grievance, the filing of a union grievance, the filing of a Discrimination/Harassment Complaint, the initiation of an external administrative or legal proceeding or testifying in or participating in any of the above.

The designated EEO Officer of the City of Miles City and the person responsible for coordinating the City's program is the Human Resources Officer in conjunction with the Mayor. Human Resources Officer can be reached at City Hall or by phone at #874-8601.

Sustaining this policy is the responsibility of all who work for the City.

Mayor

Date

Human Resources Officer

Date

DISCRIMINATION COMPLAINT PROCESS:

If a City employee or other individual believes he/she has been discriminated against on the basis of race, creed, national origin, color, sex, religion, physical or mental disability, marital status, age or political belief, the individual may take action submitting the complaint to Human Resources'.

The complaint may also be submitted to any of the following levels:

- Department Director or Immediate Supervisor
- Human Resources'
- Mayor
- State of Montana Human Rights Commission within 180 calendar days of the alleged action or incident.

Complete confidentiality may be requested and will be complied with to the extent legally possible.

An individual is encouraged to first discuss their complaint with their Department Director or immediate supervisor, in an effort to settle the issue at the lowest possible level. Discussions should occur within 10 days of the incident.

If the complaint is not resolved at the Departmental level, the Discrimination/ Harassment Complaint and Investigation form shall be filed with Human Resources' within 30 days of the incident. The Mayor in conjunction with Human Resources' and the City's Attorney will investigate, with the goal of concluding the investigation within 45 days of the receipt of the complaint.

If the City of Miles City cannot resolve the complaint, then the complainant shall be notified of all appeal rights.

Should the complaint decide not to pursue the complaint, a signed withdrawal statement shall be obtained.



CITY OF MILES CITY
DISCRIMINATION / HARASSMENT COMPLAINT AND
INVESTIGATION FORM

To be Completed by Complainant:

Last Name: _____ First Name: _____ MI: _____
 Address: _____ City: _____ State/Zip: _____
 Work #: _____ Home #: _____ Email: _____
 Position: _____ Department: _____

BASIS OF COMPLAINT: Race Color National Origin Sex Age
 Disability Creed Religion Marital Status Political Belief

DETAILED STATEMENT OF THE COMPLAINT: Attachment

INVESTIGATION PROCESS - Witnesses: (use additional sheet if necessary)

Last Name: _____ First Name: _____ MI: _____
 Address: _____ City: _____ State/Zip: _____
 Work #: _____ Home #: _____ Email: _____

COMPLAINANT SIGNATURE:


Signature: _____ Date: _____

SECTION 2-A

Recruitment and Selection



City of Miles City

	CITY OF MILES CITY PERSONNEL POLICY		Effective Date:	
			Last Revised:	
Recruitment and Selection				
Resolution #				

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

This policy provides guidance for the recruitment and selection of applicants for the City of Miles City vacant positions.

POLICY

It is the policy of the City of Miles City to recruit and select persons for appointment and employment, and to train, advance, promote, and transfer such persons on the basis of individual capability, potential, or contribution to the programs and goals of the City.

Each Department Director, supervisor and employee of the City of Miles City is responsible for conducting employment activities in support of and in compliance with this policy.

The City of Miles City respects, supports, and observes the laws, directives and regulations of the State and Federal Government that prohibit discrimination.

This Recruitment and Selection policy is related to but not limited to; recruitment, selection and testing. This policy does not preclude discrimination based on bona fide occupational qualifications or other recognized exceptions under the law.

PROCEDURE

Personnel Requisition Form:

A “Personnel Requisition Form” will be filled out by the Director of the vacant/open position and forwarded to the Mayor for approval. The Director will then forward the form to the Human Resources/Payroll Office to initiate recruitment procedures.

Recruitment and advertising may begin immediately when the Mayor has been notified in writing that a position is being left vacant/open.

Recruitment for an opening with the City of Miles City will progress through the sequence of checking for qualified laid-off workers (Job Registry), internal recruitment followed by external/public recruitment.

- ❖ **All advertisements must be reviewed and approved by the Mayor or the Mayor's designee prior to placement.**

Summary of Recruitment and Selection Policy:

1. Open positions start with the **Job Registry** for employees who have been laid off. Qualified, laid off employees receive the highest level of preference for filling openings, but do not have exclusive hiring rights.
2. Next, **Internal Recruitment** for current City of Miles City employees. The City of Miles City reserves the right to open all job searches outside the organization. Qualified internal applicants will be considered, but being an internal applicant is not exclusive criteria for selection.
3. Finally, **Open Recruitment Process**.

Step One – “Job Registry” Recruitment: (3 Working Days Maximum)

- A. Employees who have been laid-off through no fault of their own by the City of Miles City are eligible for inclusion on a recall list known as a Job Registry for a period of one (1) year. This registry along with other pertinent employee files will be maintained by the Human Resources/Payroll Office and referred to as a first step when an opening occurs with the City of Miles City. Laid off employees who are contained on this Job Registry and identified by the Mayor as possessing the minimum qualifications are informed about the opening, and requested to apply if interested. Notification will be done by registered mail to the laid off employee's last known mailing address. Registry applicants must apply for these vacancies within three (3) working days of this notification.
- B. The Human Resources/Payroll Office will compare all openings to the Job Registry list for identification of potential applicants, and submit the list of potential applicants to the Mayor or the Mayor's designee. Qualified laid off employees of the City of Miles City will receive the highest level of preference in filling openings when possible. However, inclusion of a laid off employee(s) on the Registry list must not be interpreted as exclusive hiring rights.
- C. Registry members will be considered prior to Internal Recruitment. In circumstances when a tie between two substantially equally qualified applicants exists on the Registry list, the applicant with longer *continuously active* City service will be selected.
- D. An employee's participation on the re-call list ends when:
 - An employee refuses a reinstatement offer;
 - An employee withdraws in writing from participation; or
 - One year has elapsed since the employee's effective date of lay off.

- E. Recruitment activities through recall list methods are not considered solicitation for applications from the general public; therefore, preference on basis of veteran status, disability, or Indian race is not applicable.
- F. Human Resources/Payroll Office shall notify all applicants determined qualified if a Job Registry applicant is selected; or, if the applicant(s) are not selected and that the City of Miles City intends on recruiting internally.
- G. Once the Human Resources/Payroll Officer has determined that no qualified Registry applicants exist and notifications have been made or mailed, the process moves to Step 2.

Step Two – Internal Recruitment: (5 Working Days)

- A. Under the Internal method of recruitment all interested current staff are notified and those responding are considered for existing openings. Qualified Internal applicants will be considered in accordance with this policy, however, an “Internal Applicant” status must not be interpreted as the exclusive criteria for selection.
- B. An updated list of all current job openings will be posted internally. This list will indicate the date of opening, the position title, and a contact name for further inquiry. All internal applicants inquiring about open positions will be given an opportunity to apply; however, the City of Miles City reserves the right to hire applicants from outside when it determines, in its sole discretion, by and through the Mayor or the Mayor’s designee that this approach is necessary or desirable.
- C. Interested employees must submit their application in the form of a memorandum to the Human Resources/Payroll Office through their immediate supervisor. This memorandum should be prepared once the employee has reviewed the Job Description associated with the opening, and determined that he/she meets the minimum requirement of the position. Further applications will not be accepted beyond the designated closing date of the position.
- D. The Human Resources/Payroll Officer will notify all internal applicants if selected, or, if they are not selected and that the City of Miles City intends to recruit externally. Once the Mayor has determined that is in the best interest of the City to recruit externally, and notifications have been made or mailed, the process moves to Step 3.
- E. Recruitment activities through internal methods are not considered solicitation for applications from the general public; therefore, preference on basis of veteran status, disability, or Indian race is not applicable.
- F. In the event an internal applicant meets minimum qualifications for the position, but the City of Miles City determines that it is in the best interest of the City to recruit externally, qualified internal applications will be carried over to Step 3.
- G. In the event the City of Miles City determines that it will consider internal applications without posting externally, the internal applicants will move through the hiring process established herein, beginning at the paragraph titled “Application Screening” below. If at any time the internal applicants are removed from the selection process, or if the City of Miles City determines during the selection process that external recruitment would be in the City’s best interest, the process will revert to Step 3.

Step Three – General Public Recruitment: (10 Working Days)

- A. The Human Resources/Payroll Office will post a vacancy externally to the general public if

no qualified Registry applicant has been identified, and if no internal applicants have been selected. Vacancies posted to the general public will generally remain open for two (2) weeks when possible, but may be closed sooner, or extended at the discretion of the Mayor, in consultation with the Human Resources/Payroll Officer.

- B. All City of Miles City vacancies subject to external procedures will be made known to the job seeking public. The Mayor may elect to utilize any of the following recruitment sources, Job Service listing, newspaper, the Internet, Community Colleges, or other appropriate sources. The Mayor, in consultation with the Human Resources Payroll Officer may also limit its recruitment to specific geographical areas, but will consider all applications received prior to closing date, irrespective of the applicant's place of residence.
- C. All employment advertisements must be reviewed and approved by the Mayor prior to placement. Copies of all final ads will be retained for recordkeeping and compliance purposes. Recruitment sources will include both internal and external origins, as described above.

Application Screening:

- A. The Mayor and the immediate supervisor for the position being hired will screen applications for basic qualifications, and the Human Resources/Payroll Officer will notify applicants directly if they do not process these qualifications. All applicants must complete a City of Miles City employment application form.
- B. Applications of applicants will be forwarded to the Mayor for consideration. The Mayor, in consultation with the immediate supervisor for the position being hired, will select the top applicants for interview based upon a review of qualifications and/or supplemental application questions.
- C. All applications and/or resumes will be retained by the City of Miles City for two years, or as mandated by Federal and State laws.
- D. Applicants will be informed that if selected, they will be required to provide the City with specific documents establishing their identity and employment eligibility, in accordance with Immigration Reform and Control Act of 1986.

Application Screening Process

- A. The purpose of the selection process is to identify potential employees who are best qualified to meet the specific work requirements and successfully perform the job duties of the open position. In that light, selection procedures will be based on a specific job analysis.
- B. All applicants remaining in competition at each level of the selection process shall be treated consistently with respect to:
 - Contents of the procedure applied;
 - Persons involved in administering the process; and,
 - The maximum amount of time allotted when time procedures are utilized.
- C. However, consistent treatment should not imply identical treatment.
- D. Individuals involved with evaluating applicants' qualifications must be familiar with the position to be filled, and must use job related questions, suggested responses, and rating

scales to evaluate applicants. This technique must permit accurate comparison of the applicant against the job requirements, as well as the applicant pool.

- E. Certain entities within the City government may be mandated to require specific qualifications, or use particular measuring guidelines (e.g. POST test) not necessarily pertinent to other departments.
- F. Any unsuccessful applicant claiming employment preference will be provided a written notice of the hiring decision.
- G. Provisions must be made for an annual review and update of this Recruitment & Selection Policy by the Human Resources Committee.

Personal Interview of Selected Applicants:

- A. The Mayor shall appoint a Hiring Committee, consisting of 3 or 4 members, one of which must be the immediate supervisor for the position being hired. The Human Resources/Payroll Officer shall be an advisor to the Hiring Committee, and shall attend all meetings of, and interviews conducted by the Hiring Committee. The Hiring Committee, along with the Mayor, in the event the Mayor wishes to be present, shall conduct interviews of selected applicants. All questions asked in a personal interview must be job related and designed to help the interviewer identify the best qualified applicant for the position. The primary objective of the personal interview is to achieve the best match between the applicant's qualifications and the job requirements. Interviews are a reliable method of determining more about the capabilities of minimally qualified applicants. Although interviews are important, the other selection criteria, such as those listed under "Selection Devices" shall be considered. Follow-up questions, as long as they are job related, may be asked of the applicant. These follow-up questions may be based upon an answer to a previously asked question or based upon the application material that the applicant submitted. All follow-up questions must be captured for retention in the recruitment file. Further information on conducting interviews may be found in the "Employment Interview Guide" and the "Do's and Don'ts of Interview Questions".
- B. The Human Resources/Payroll Officer is responsible for contacting applicants for interviews. If applicants are contacted by phone, they need to be informed of the date, time, and location of the interview. If the applicant cannot be contacted by phone, a letter should be sent and the aforementioned information shall be provided. Applicants who do not show up at the appointed time or applicants who withdraw from the interview process may be removed from the applicant pool.
- C. Internal applicants, for City vacancies, will be granted paid time to attend the interview. once the interview is completed, the employee is expected to return to their work assignment and complete their respective shift.
- D. The Mayor and/or the Hiring Committee will utilize a "structured interview" method consisting of a certain number of pre-set, job related (as determined by the job analysis) questions addressed to every applicant. The responses of the applicants are then measured against a pre-determined set of guidelines, and ranked accordingly.
- E. The Mayor, with the advice of the Hiring Committee, shall select a person or persons who will be offered employment, and shall rank those who are acceptable for employment to determine the order in which employment shall be offered, subject to successful reference and background check.
- F. If the vacant position is a "Department Director" the Mayor may appoint, but will need the

consent of the majority of the Council for finalization of the employment offer. (Section 7-3-213, MCA)

Selection Devices:

The City recognizes many selection devices as long as they:

- Are job related
- Do not create an undue barrier to employment or advancement for protected classes
- Are in compliance with existing policies, bargaining contracts, and relevant State and Federal laws.

Selection devices must be defensible and must allow for the selection of the best applicant for the vacant/open position. Selection criteria must be applied equally to all applicants. Possible selection devices include any combination of the following items.

- Structured questions and suggested answers
- Behavioral questions and suggested answers
- Applicable job-related performance tests
- Relevant education and experience
- Supplemental questions
- Written interview questions.

Background Check:

- A. The City of Miles City conducts all reference and background checks through Orion International Corporation. A “Request for Investigation” will be completed by the Director for the department hiring and forwarded to the Human Resources/Payroll Officer.
- B. All interviewed applicants will be required to consent to and sign an “Authorization to Release” form and “Acknowledgement” form. All interviewed applicants will receive a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”.

Employment Confirmation:

- A. Once the final selection is made the successful applicant must be provided with an official Confirmation Letter from the Mayor’s office.
- B. The Confirmation letter will address the following topics:
 - Title of job offered
 - Director’s name and hiring department
 - Starting salary & benefits
 - Classification, i.e.; Exempt – Non Exempt status
 - Start date with initial work schedule and where to report to work
 - Probationary period information
 - Request for documentation regarding identity and employment eligibility
 - Any other terms and conditions of employment
 - Request for applicants’ signature on confirmation letter
 - A deadline for return of said letter to the City.

- C. The Mayor may establish a salary using the “2012 Wage and Benefits Analysis” as a guideline, so long as the salary is within the amount budgeted for said position. If the Mayor feels that an increase in salary is necessary, such amount must be approved by the City Council. The Mayor may also, in his/her discretion, offer a lesser amount in salary. Any exceptions to the “2012 Wage and Benefit Analysis” shall be documented by the Mayor and kept in the hiring/payroll/personnel files.
- D. The Confirmation Letter must accentuate the point that the City of Miles City does not recognize any other offers or promises made to the applicant, and that no City employee other than the Mayor is authorized to modify the conditions of the offer or enter into any agreement with the applicant. The Confirmation Letter must indicate that the appointment is subject to the consent of the City Council, when applicable.

Unsuccessful Applicant Notification Letters:

Both internal and external unsuccessful applicants will be notified in writing by the Human Resources/Payroll Officer. Additionally, internal applicants and interviewed applicants will receive a phone call from the Human Resources/Payroll Officer prior to the written notification.

Document Retention:

The following materials shall be included among the documents to be saved, by Human Resources/Payroll Office, for each selection and retained for a period of two years:

- Job description
- Vacancy announcement(s)
- A copy of advertisements and a list of all recruitment sources
- All applications, supplements, questionnaires and other application material
- A copy of all selection procedures and any criteria used to evaluate performance
- Names and titles of any persons who participated in the design or administration of the selection procedures
- Correspondence with applicants
- A copy of the hire letter.

Confidentiality and Access to Materials:

All applications and selection materials shall be confidential, unless otherwise stated on the vacancy announcement, and may not be released to any person not involved in administering the hiring process. Materials may be released upon the receipt of a properly executed administrative or judicial order. Human Resources may discuss, upon request from an applicant, the selection process and scores (if applicable) related to that individual. Information about other applicants is confidential and may not be released.

Prospective Full/Part Time Dispatcher Applicants:

The Recruitment and Selection Policy will be followed with exception to the following: The 911 Coordinator will conduct all criminal and driving background checks through CJIN/NCIC State system. All applicants will be required, consent to and sign an “Authorization to Release-Dispatch” form and “Acknowledgement” form upon completion of a City of Miles City application. All applicants will receive

a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”. The 911 Coordinator will then conduct a preliminary interview of all qualifying applicants. Successful applicants will be forwarded to the Mayor for Applicant Screening.

Prospective Full Time Firefighters/EMTs Applicants:

The City is a member of the Montana Firefighters Testing Consortium (MFTC). Firefighter applications for employment will only be accepted from persons who have successfully completed MFTC testing and are currently on the MFTC eligibility list. Each time a vacancy occurs, all such persons on this list will be notified in writing and invited to submit an application.

Applicants shall be required to complete a City of Miles City employment application. Applicants shall also be required to consent to and sign an “Authorization to Release” form and an “Acknowledgement” form. All applicants will receive a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”. The selection process will consist of the Fire Chief with his/her Hiring Committee reviewing applications, verifying scores and abilities as determined by previous screening test(s) administered by the MFTC. The Fire Chief will conduct background checks that may include verification of: previous employment, listed credentials, previous training, education and work experience. All of these verifications are part of the preliminary screening of the applicant, and pending the successful outcome of this screening process, the Fire Chief and the Hiring Committee will conduct an oral interview with the applicant.

This policy does not preclude lateral transfers of qualified applicants from other Fire Departments.

Prospective Full Time Police Officer Applicants:


The City is a member of the Montana Law Enforcement Testing Consortium (MLETC). Police Officer applications for employment will only be accepted from persons who have successfully completed MLETC testing and are currently on the MLETC eligibility list. Each time a vacancy occurs, all such persons on this list will be notified in writing and invited to submit an application.

Applicants shall be required to complete a City of Miles City employment application. Applicants shall also be required to consent to and sign an “Authorization to Release-Police” form and an “Acknowledgement” form. All applicants will receive a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”. The selection process will consist of the Police Chief with his/her Hiring Committee reviewing applications, verifying scores and abilities as determined by previous screening test(s) administered by the MLETC. The Police Chief will conduct background checks that may include verification of: previous employment, listed credentials, previous training, education and work experience. All of these verifications are part of the preliminary screening of the applicant, and pending the successful outcome of this screening process, the Police and the Hiring Committee will then conduct an oral interview with the applicant. Upon successful completion of this process, the Police Chief and Hiring Committee will then recommend the applicant to be interviewed by the Miles City Police Commission for final approval.

This policy does not preclude lateral transfers of qualified applicants from other Police Departments.

CLOSING

Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

 CITY OF MILES CITY PERSONNEL POLICY	Effective Date:	
	Last Revised:	
Nepotism		

- **This policy supersedes all previous policies and/or handbooks published by the City of Miles City. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.**

PURPOSE

To establish policy for the employment of immediate relatives in order to assure the reality and appearance of fairness in the best interest of the City of Miles City.

POLICY

All personnel matters carried out by the City of Miles City shall be administered on the basis of merit and through regular management procedures except:

- No one participating actively in the appointment or hiring of a position, (i.e., City Councilmembers, the Mayor, Department Directors, etc.) shall appoint any person related or connected by consanguinity within the 4th degree or by affinity within the 2nd degree.
- No one may be appointed or hired to a position within a City Department if related or connected by consanguinity within the 4th degree or by affinity within the 2nd degree to any person sitting on a board or commission representing or advising that department.

DEFINITIONS

CONSANGUINITY: Means blood relation.

- Degrees are determined as:
 1. A parent or child is 1st degree
 2. A grandparent, grandchild, brother or sister are 2nd degree
 3. An uncle, aunt, nephew, niece and great-grandparent or great grandchild are 3rd degree
 4. A first cousin, a great uncle or aunt, and great-great grandparents and grandchildren are 4th degree

AFFINITY: Means relationship by marriage.

- Degrees are determined as:
 1. Husband and wife are 1st degree
 2. Brothers, sisters, fathers, mothers-in-law and fathers-in-law are 2nd degree

CLOSING

Employment of relatives in the same area of an organization may cause conflict and problems effecting employee morale or could result in perceived favoritism and claims of partiality. The City will monitor and address any potential issues when direct supervision of employees involves consanguinity or affinity. The City may refuse to assign or reassign related employees when conflicts have occurred or are likely, or when the work environment may be strained.



CITY OF MILES CITY
PERSONNEL POLICY

Effective
Date:

Last Revised:

Employment Preference Guide

Veterans' Public Employment Preference:

It is the policy of the City of Miles City, to provide preference in employment to veterans, disabled veterans, and eligible relatives, as required in Title 39, Chapter 29, Part 101 MCA.

Whenever the hiring committee uses a scored procedure, a veteran who is an initial applicant for hiring with the City, must have added to his/her score the following percentage points of the total possible points that may be granted in the scored procedure:

- 5 percentage points for being a veteran; and
- 10 percentage points if the veteran is disabled or an eligible relative.

In order for a veteran, disabled veteran, or eligible relative to be eligible for the preference, the applicant must be:

- A United States citizen; and
- Meet the minimum qualifications for the position applied for. If no applicant meets the minimum qualifications and the hiring supervisor fills a training position, then veterans' preference must be applied.

A disabled veteran who receives 10 percentage points for being disabled does not receive an additional 5 points for just being a veteran. The maximum percentage points that can be earned by a veteran is 10.

If the hiring committee does not use a scored process, the hiring committee must give preference to a disabled veteran, eligible relative, or veteran, in that order, over any non-preferred applicant holding substantially equal qualifications.

Persons with Disabilities Employment Preference:

It is the policy of the City of Miles City to provide preference in employment to eligible person with disabilities and certain spouses, when they are substantially equal in qualifications to others applying for initial appointments to positions, as required by the Persons with Disabilities Employment Preference Act, Title 39, Chapter 30, Part 101 MCA.

If an applicant who is a person with a disability or eligible spouse meets the eligibility requirements and claims a preference, the City shall hire the applicant over any other applicant with substantially equal



CITY OF MILES CITY PERSONNEL POLICY

Effective
Date:

Last Revised:

Employment Interview Guide & Do's and Don'ts of Interview Questions

The Interview Process

The following guidelines are provided as an aid in complying with City of Miles City policy and procedures and with federal and state laws. Before the interview, take a few minutes to study the job application and supplemental materials. Never write on the original application or resume; your comments, "squiggles," highlighting, etc., could be used in legal proceedings if a subpoena is issued for the application materials. The application can be your interview map--keep it visible during the interview to keep you on track.

Create a relaxed interview setting:

The interview setting should be quiet, comfortable, and free of distraction from telephones and any other kind of interruption. If you must use an office, arrange that all phone calls be forwarded to another line. Keep on schedule, as applicants become apprehensive when asked to wait.

Ask each applicant to arrive 10 to 15 minutes before the interview. Give him/her a copy of the position description and any other materials you feel are important before the interview. Allow at least 15 minutes between interviews to permit applicant to come and go without overlap, and to allow the Hiring Committee members to evaluate an applicant's responses to questions while the answers are still fresh in their minds.

Follow a logical sequence:

Keep the same format for each applicant and allow an equal amount of time for each applicant to answer questions. Introduce the applicant to the rest of the committee and invite him or her to be seated. Provide information regarding the expected timeframe for filling the position and what the interview is meant to accomplish. You can briefly define the job responsibilities.

Let the applicant do the talking:

After defining the job responsibilities, let the applicant "do the talking." It is extremely important to listen and concentrate on what he/she is saying. The applicant should carry 80-85% of the total

conversation. The Hiring Committee members' input should be limited to asking questions, probing deeper, and keeping the applicant on track. The panel should clear up points on the application form, asking follow-up questions that encourage the applicant to talk. Ask only questions that are directly related to the job. Use "W" questions--who, what, when, where, and why; also, how? Several types of questions are useful:

- **Direct questions** are easy to understand, and are more likely to yield concise answers and specific information. Example: *"Why did you apply for this position?"*
- **Open ended questions** often produce unexpected and valuable information, it may reveal attitudes and feelings, and can indicate how well an applicant can organize his/her thoughts. Example: *"Tell us about your job at XYZ Corp."*
- **Behavioral questions** are encouraged. These types of questions require applicant to analyze a situation and can reveal the extent of his/her experience. Example: *Describe an experience when you...* These questions must be specifically related to the job functions discussed in the position description.
- **Probing questions**, such as *"Could you explain what you mean by ...?"* can further clarify the applicant's views.

Allow silence after asking a question so that you don't interrupt the applicants thinking process. Encourage the applicant with: *"Take your time, we want you to be specific."*

Be mindful of your questions:

Formulate questions that indicate whether or not an applicant meets the requirements you have established for the position. Keep three rules in mind:

- Ask questions that focus on past employment performance. Avoid questions that address the applicant's personal lifestyles or habits.
- Ask questions that relate to your listed skill, ability, knowledge or experience requirements.
- Ask the same questions of all applicants.

Avoid:

- Closed questions that require merely a yes or no response
- Multiple questions that require several answers
- "Loaded" questions that force a choice between two alternatives
- Questions that are illegal and dealing with areas that are not factors for job performance, such as **gender** (if you would not ask a question of a man, do not ask it of a woman, and vice versa), **age, race, religion, veteran status, marital status, political belief, medical conditions** (do not make medical judgments or disqualify an **applicant** on factors that are purely medical in nature), and disability (it is illegal

to ask about the nature and/or severity of the disability, the condition causing the disability, if the applicant will need treatment or special leave because of the disability, or about any prognosis or expectation regarding the condition or disability). Contact your Human Resources Officer if you have questions.

Take Notes:

Taking notes will help you remember details of the interview; however, writing notes during the interview could be distracting and upsetting to an applicant. If you plan to take notes, explain before the interview starts that you will be taking notes of the applicant's responses to interview questions so that you will not have to rely on memory. This should help reduce suspicion and nervousness. Make sure you maintain some eye contact while you are writing.

Close on a proper note:

After the Hiring Committee members have explored all performance factors, they can ask the applicant if he or she has any questions, needs clarification, or anything to add. Thank the applicant for coming, and explain your notification process--when a decision will be made, whether a second interview will be conducted, and how applicants will be notified. Remember to smile, shake hands, and lead the applicant to the door.

Note: *Keep the process the same for all applicants.*

Do's & Don'ts of Interview Questions

The rule of thumb: if a question is job related, it is usually appropriate to ask. If it isn't job related, caution is in order. Any questions involving race, religion, gender, marital status, and so on must be avoided in application forms and during interviews.

YOU MAY ASK

QUESTIONS & STATEMENTS TO AVOID

AGE	Are you 18 years or older?	How old are you? When did you graduate from high school? How do you feel about working for a person younger than you? You must be getting close to retirement age....
GENDER	Do you have responsibilities other than work that will prevent you from performing specific job requirements such as traveling? What hours and days can you work? Have you ever worked under a different name?	Do you have plans for having children? Childcare is so hard to get. Do you have any babysitting problems? What is your maiden name? How would you feel working for a man/woman? Our customers sometimes prefer to be served by men. I hope you don't have a problem with that. Do you think your women's intuition would come in handy on this job? Tell me...how did a man come to be interested in this kind of work?
ARRESTS	It is best to only ask about <i>convictions</i> for crimes related to the job.	Have you ever been arrested?
RACE	None	There aren't very many minorities in our department. Will that be a problem for you? You look like you have an interesting family history. How would you define your race?
SEXUAL ORIENTATION	Request the name of a person to contact only after the individual is employed.	What is the name of a relative to be notified in case of an emergency? Are you married? <i>You people</i> are so creative; you'd be just perfect for the job. This is a real family oriented department. Is that okay with you?

YOU MAY ASK

**QUESTIONS & STATEMENTS
TO AVOID**

<p>NATIONAL ORIGIN</p>	<p>Are you legally eligible to work in the United States?</p> <p>After making a conditional offer, an employer may inform the applicant that they will have to produce documents for work eligibility.</p>	<p>Where were you born?</p> <p>Of what country are you a citizen? Yablonski, what kind of name is that?</p> <p>I see you speak Spanish. Did you learn that in your native country or in school?</p>
<p>RELIGION</p>	<p>Will you be available to work the required schedule?</p>	<p>What church do you attend?</p> <p>Will you need to take time off from work to observe (name of particular religious holiday)?</p>
<p>EDUCATION</p>	<p>Do you have a high school diploma or equivalent?</p> <p>Do you have a university degree?</p>	<p>When did you graduate from high school or college?</p>
<p>MILITARY</p>	<p>What type of education, training, and experience did you receive in the military?</p>	<p>What type of discharge did you receive?</p>
<p>WORKER'S COMP</p>	<p>None</p>	<p>Have you ever filed for worker's compensation?</p> <p>Have you had any prior work injuries?</p>
<p>DISABILITY</p>	<p>Are you able to perform the duties of the job with or without accommodation?</p> <p>If the applicant indicates that she/he can perform the tasks with an accommodation, you may ask:</p> <p>What accommodation would you need in order to perform the tasks?</p> <p>Now that you have heard the hours, leave policies, and other requirements of this position, do you feel you will be able to meet these requirements?</p> <p>An employer may make medical inquiries or require a medical examination of all applicants at the stage a conditional job offer is made.</p>	<p>Do you have any disabilities?</p> <p>Are you in good health?</p> <p>Do you have any physical defects that prevent you from performing certain kinds of work?</p> <p>That's a noticeable limp....</p> <p>Those are very thick glasses...How severe is your disability?</p> <p>What is the prognosis for your condition?</p> <p>Will you require a special leave because of your disability or its treatment?</p> <p>Please list any conditions or diseases you were treated for in the last 3 years.</p> <p>How many days were you absent last year because of illness?</p> <p>Have you ever been treated by a psychiatrist or counselor?</p> <p>Do you have any family members or relatives who are disabled?</p>

SECTION 2-B

Recruitment and Selection Forms



City of Miles City



City of Miles City Employment Application

- ✓ Please complete this application by typing or printing in ink. **INCOMPLETE** applications will not be considered.
- ✓ We are an equal opportunity employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin, marital status, disability, or political belief
- ✓ Do you need an accommodation to participate in the application or interview process? ___Yes ___No_

Job #: _____ Job Title: _____

Personal Data

Name: _____ E-Mail Address: _____

Present Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Message Phone: _____

Driver's License: _____ Operator ___CDL___ CDL Type ___ Endorsements: _____

Education

High School Diploma or Equivalent ___ Yes ___ No Post Secondary Degree? _____

Name of school beyond High School: _____

Training Length: _____ Date Completed: _____

Major: _____ Minor: _____

Apprenticeship Level: _____ In which trade? _____

Work Experience (list most recent work experience first)

Company Name: _____ Immediate Supervisor: _____

Complete Address: _____

Job Title: _____ Phone: _____

Job Description: (duties, skills, equipment used) _____

Dates: From _____ To _____ Reason for leaving: _____

Work Experience

Company Name: _____ Immediate Supervisor: _____

Complete Address: _____

Job Title: _____ Phone: _____

Job Description: (duties, skills, equipment used)

Dates: From _____ To _____ Reason for leaving: _____

Work Experience

Company Name: _____ Immediate Supervisor: _____

Complete Address: _____

Job Title: _____ Phone: _____

Job Description: (duties, skills, equipment used)

Dates: From _____ To _____ Reason for leaving: _____

Additional information that could help you qualify for this position

Examples include: Classes (include dates), certificates, current licenses, specific equipment and other skills.

List References (preferably persons who know about your work/training)

Name	Address	Phone Number
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The information that you provide on this application is subject to verification. Falsifications or misrepresentations may disqualify you from consideration for employment or, if hired, may be grounds for termination at a later date. Do you want to be informed before we contact your present employer? _____Yes _____No

With my signature below (typed or written), I certify that all information on this and all attached pages is true, correct and complete to the best of my knowledge and contains no willful falsifications or misrepresentations. I authorize all former employers to release job-related information they may have about me and I release all persons or companies from any liability or responsibility for providing such information.

Signature: _____ Date: _____

EMPLOYMENT PREFERENCE FORM

Name: _____ Position Applied for: _____

Employment preference allows applicants to claim a preference under the Veterans' Public Employment Preference Act or the Persons with Disabilities Public Employment Preference Act. Applying for a preference is voluntary. All information related to a preference will be kept confidential and used only during the hiring process. Applicants hired by the City of Miles City will have this information placed in a separate confidential selection file.

Contact your local Job Service Workforce Center for details on veterans' preference. Contact your local Montana Vocational Rehabilitation Services Office, Department of Public Health and Human Services (DPHHS) for details on obtaining persons with disabilities preference certification.

1. To claim **Veterans' Employment Preference** you must be a U.S. Citizen and (check one of the boxes below):
 - A Veteran, if**
 - 1) You were separated under honorable conditions, **AND** you served more than 180 consecutive days of active federal military duty other than for training in the Army, Air Force, Navy, Marines, or Coast Guard or were a member of the reserves who served on federal military duty during a period of war or in a campaign or expedition for which a campaign badge is authorized.
 - 2) You are or were a member of the Montana Army or Air National Guard who satisfactorily completed a minimum of 6 years service in armed forces, the last 3 of which have been served in the Montana Army or Air National Guard.
 - A Disabled Veteran, if**
 - 1) You were separated under honorable conditions from military duty, **AND**
 - 2) You have an established Armed Forces service-connected disability **OR** are receiving compensation, disability retirement benefits, or pension from the U.S. Department of Veterans Affairs or military department, **OR** you have received a Purple Heart.
 - The spouse of a disabled veteran, if the veteran's disability prevents him or her from working.**
 - The unremarried surviving spouse of a veteran or disabled veteran.**
 - The mother of a veteran, if**
 - 1) The veteran died under honorable conditions while serving in the Armed Forces, or the veteran has a service-connected, permanent, and total disability, **AND**
 - 2) Your spouse is totally disabled, **OR** you are unremarried widow of the father of the veteran
2. To claim **Montana Persons with Disabilities Employment Preference**, you must be (check one of the boxes below):
 - A person with a disability** certified by DPHHS, **OR**
 - The spouse** of a totally (100%) disabled person certified by DPHHS **AND** have resided continuously in Montana for at least 1 year immediately before applying for employment
3. **In the box below, check the attachment you have included to document your eligibility for employment preference.**
 - DD-214 showing the character of discharge
 - Service-connected disability letter
 - DPHHS Disability Certification
 - A document issued by the Office of the Adjutant General of the Montana National Guard certifying service

SIGNATURE (typed or written):

DATE SIGNED:

APPLICANT SURVEY

Title VII of the U.S. Civil Rights Act requires the State of Montana to “make and keep records relevant to the determinations of whether unlawful employment practices have been or being committed”. This is also a requirement of the Montana Human Rights Act and state and federal laws providing employment opportunities for veterans and person with disabilities. The following survey helps to fulfill these requirements.

This applicant survey will be seperated from your application. The City of Miles City is subject to certain governmental record keeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the employer invites applicants to voluntarily self-identify their race and ethnicity. Submission of this information is voluntary. Refusal to provide it will not subject you to any adverse treatment. The information will be kept confidential and will be used in accordance with the provisions of applicable laws, executive orders and regulations, including those that require the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual.

Position Closing Date: _____

Male Female

Are you 18 years or older? Yes No

Name: _____

Social Security No. _____

Job Applied For: _____

Department: _____

How did you first learn of this position?

Newspaper ad or journal ad Telephone Job Line Career/Job Fair
 Job Service A friend/employee Posted at City Hall
 Female, minority, or handicapped referral organizaton Other (specify): _____

RACE/ETHNICITY – Please check the ONE box that best describes your race/ethnicity:

Hispanic or Latino – a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origins regardless of race

White (Not Hispanic or Latino) - A person having origins in any of the original peoples of Europe, the Middle East, or North American

Black or African American (Not Hispanic or Latino) - A person having origins in any of the black racial groups of Africa

Native Hawaiian or Other Pacific Islander (Not Hispanic Or Latino) - A person having origins in any of the Hawaii, Guam, Samoa, or other Pacific Islands

Asian (Not Hispanic or Latino) -A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

American Indian or Alaska Native (Not Hispanic or Latino) –A person having origins in any of the original peoples of North and South America (Including Central America), and who maintain tribal affiliation or community attachment.

Two or More Races (Not Hispanic or Latino) – All persons who identify with more than one of the above five races

MILITARY STATUS – Please check the ONE box that best describes your military status:

No Military Service Inactive Reserve Vietnam Veteran
 Active Reserve Retired Other Veteran

DISABLED VETERAN

DISABLED PERSONS' EMPLOYMENT PREFERENCE



CITY OF MILES CITY

PERSONNEL REQUISITION FORM

To be Completed by Requesting Department

Department: _____ Date of Request: _____

Date Needed: _____ Position to be Filled: _____

Position Type:

_____ Full-Time _____ Temporary _____ Replacement
_____ Part-Time _____ Seasonal _____ New Position

Budgeted Position (circle one): Yes No If no, please explain:

Brief Description of Essential Functions:

Check if Position Description is attached

Specific Qualifications/Requirements Not Indicated in Position Description :

Department Head Signature: _____

Approved

Date Hired: _____

Not Approved

Mayors Signature: _____ Date: _____

Human Resource Officer: _____ Date: _____



CITY OF MILES CITY

APPLICANT SCREENING FORM

To be Completed by Interviewer

Applicant: _____ **Position Interviewed:** _____

Scoring

Applicant evaluation forms are to be completed by the interviewer to rank the applicants overall qualifications for the position. Under each heading the interviewer should give the applicant a numerical rating and write specific job related comments in the space provided. The numerical rating system is based on the following:

5-Exceptional 4-Above Average 3-Average 2-Satisfactory 1-Unsatisfactory

Relevant Education	Rating:	1	2	3	4	5	_____
Job Experience	Rating:	1	2	3	4	5	_____
Ability to Learn	Rating:	1	2	3	4	5	_____
Attitude	Rating:	1	2	3	4	5	_____
Communication Skills	Rating:	1	2	3	4	5	_____
Cooperation	Rating:	1	2	3	4	5	_____
Motivation	Rating:	1	2	3	4	5	_____
Overall Impression	Rating:	1	2	3	4	5	_____

Total: _____

5 percentage points Veteran Status _____

10 percentage points Disabled Veteran or Spouse _____ *(10 max)

Date Available _____ **Total:** _____

Comments _____

Recommended for Hire: **YES** **NO** **NOT SURE**

Interviewer Signature: _____ **Date:** _____



CITY OF MILES CITY

REQUEST FOR INVESTIGATION

To be Completed by Requesting Department

To: Orion International Corporation
 Fax: 406-458-8787
 Telephone: 406-458-8797 or 8796

From: City of Miles City
 Fax: 406-234-2903

Department: _____ Director: _____

Please conduct an investigation as outlined below on the following individual. **(please print)**

Name: _____ Date: _____

Please check all that apply:

- Montana Criminal Check
- Montana Sexual/Violent Offender Check
- Montana Professional Licensing Check: _____ (profession)
- Montana Driving Record, License#: _____
- Out of State Criminal Check in: _____ (states)
- Out of State Sexual/Violent Offender Check in: _____ (states)
- Out of State Professional Licensing Check in : _____ (states)
- Out of State Driving Record in: _____ states) License #: _____
- Social Security Number Verification
- Federal Court Check
- Credit Report: Current Address: _____
- Education/Degree Verification: (indicate school, course of study and date of graduation if known): _____

Reference Checks (2 references) Please indicate the position the prospective employee has applied for: _____

- Package 1- Montana Criminal Check & 2 Reference Checks
- Package 2- Montana Criminal Check, Montana Sexual/Violent Offender Check, Social Security Number Verification, Federal Court Check
- Commercial Database Check
- Other Investigations: (please be specific): _____



CITY OF MILES CITY

AUTHORIZATION TO RELEASE INFORMATION

To be Completed by Applicant

I authorize the City of Miles City, Montana through their agent, **Orion International Corporation**, to obtain information related to past employment, employers, school activities, verification of education, criminal justice agencies, motor vehicle/registration departments, credit checks, professional licensing registries, or relevant sources of information. This information may include, but is not limited to, information about my academic achievement, performance, attendance, disciplinary, employment history, criminal history record information, credit screening, and driving and motor vehicle record.

I authorize **Orion International Corporation** to disclose the record of my background investigation to the City of Miles City. I authorize custodians of records and other sources of information pertaining to me to release such information to **Orion International Corporation**.

I believe to the best of my knowledge that all information I have provided is accurate, true, and correct and that I fully understand the terms of this release. In consideration of the City's acceptance and consideration of my intent I hereby, release and forever discharge the City, **Orion International Corporation**, and all affiliated entities from all claims, demands, damages, actions and causes of action pertaining to or arising out of the City's consideration of my application for employment and use, so long as not malicious, or all information obtained in the course or as a result of all inquiries made into my personal history.

By my signature below, I also acknowledge that the City of Miles City has provided me with a summary of my rights under the Federal Fair Credit Reporting Act (attached copy).

Copies and facsimile transmissions of this authorization that show my signature are as valid as the original release signed by me.

Signature

Date

Full Name: _____ DOB: _____

Other Names Used: _____ Place of Birth: _____

Current Address: _____

Other State(s)/Cities of Residency last 10 Years: _____

Home Phone: _____ Work/Cell Phone: _____

SS#: _____ Driver's License Number & State: _____



CITY OF MILES CITY
AUTHORIZATION TO RELEASE INFORMATION

FOR OFFICAL USE BY THE MILES CITY POLICE DEPARTMENT

To be Completed by Applicant

I am an applicant for a position with the **Miles City Police Department**, hereinafter referred to as **MCPD**. I acknowledge that the department needs to thoroughly investigate my employment background and personal history to evaluate my qualifications to hold the position for which I applied, and that it is in the public's best interest that all relevant information concerning my personal and employment history be disclosed.

I authorize the City of Miles City, Montana through their agent, any representative of the **MCPD**, bearing this release, to obtain any information in your files pertaining to my employment records and I hereby direct you to release such information upon request of the bearer. I do hereby authorize a full review of and full disclosure of all records, or any part thereof, concerning myself, by and to any duly authorized agent of the **MCPD**, whether said records are public, private, or confidential nature. The intent of this authorization is to give my consent for full and complete disclosure. I reiterate and emphasize that the intent of this authorization is to provide full and free access to the background and history of my personal life, for the specific purpose of pursuing a background investigation that may provide pertinent data for the **MCPD** to consider in determining my suitability for employment in that department. It is my specific intent to provide access to personnel information, however personal or confidential it may appear to be. I direct you to release such information upon request of the duly accredited representative of the **MCPD** regardless of any agreement I have made with you previously to the contrary. The **MCPD** will discontinue processing my application if you refuse to disclose the information requested.

I consent to your release of all public and private information that you may have concerning me, my work record, my background and reputation, my military service records, my financial status, my criminal history record, including any arrest records, any information contained in any investigatory files, efficiency ratings, complaints or grievances filed by or against me, the records or recollections of attorneys at law, or other council, whether representing me or another person in any case, either criminal or civil, in which I presently have, or have had an interest, attendance records, polygraph examinations, and any internal affairs investigations and discipline, including any files which are deemed to confidential, and/or sealed.

I hereby release you as the custodian of such records, your organization, including its officers, employees, or related personnel both individually and collectively, and all others, from any liability or damages that may result from furnishing the information requested, including any liability or damage pursuant to any state or federal laws. It is my intent to authorize all former employers and all other public and private concerns, including but not limited to: schools, colleges and all scholastic institutions, Consumer reporting agencies, and similar entities, to release any and all information maintained by any such employer or educational entity, agency, person, including, but not limited to: my personal, employment and salary history and condemnations. I understand that should information of a serious criminal nature surface as a result of this investigation, such information may be turned over to the proper authorities.

By my signature below, I acknowledge that the **MCPD** has provided me a copy of the summary of my

rights under the Federal Fair Credit Reporting (attached copy) and I understand my rights under Title 5, United States Code, Section 552a, the Privacy Act of 1974, and with regard to access and disclosure of records, and I waive those rights with the understanding that the information furnished will be used by the **MCPD** in conjunction with employment procedures.

This waiver is valid for a period of one year from the date of my signature. Should there be any questions as to the validity of this release, you may contact me at the address listed on the form.

I agree to indemnify and hold harmless the person to whom this request is presented and his agents and employees, from and against all claims, damages, losses and expenses, including reasonable attorney's fees, arising out of or by reason of complying with this request.

Copies and facsimile transmissions of this authorization that show my signature are as valid as the original release signed by me.

Signature of Applicant

Date

Print Name of Applicant

Social Security Number

Street Address/P.O. Box

Date of Birth

Signed and subscribed to before me this
____ day of _____ 20 ____.

Notary Public for the State of Montana
Residing at _____
My commission expires _____.



CITY OF MILES CITY

AUTHORIZATION TO RELEASE INFORMATION

FOR OFFICAL USE BY THE MILES CITY DISPATCH CENTER

To be Completed by Applicant

I hereby authorize any representative of the **City of Miles City, Montana** through their affiliated agency **Miles City Dispatch Center** to obtain information related to past employment, employers, school activities, verification of education, criminal justice agencies, motor vehicle/registration departments, credit checks, professional licensing registries, or relevant sources of information. This information may include, but is not limited to, information about my academic achievement, performance, attendance, disciplinary, employment history, criminal history record information, credit screening, and driving and motor vehicle record.

I believe to the best of my knowledge that all information I have provided is accurate, true, and correct and that I fully understand the terms of this release. In consideration of the City's acceptance and consideration of my intent I hereby, release and forever discharge the **City of Miles City**, and all affiliated entities from all claims, demands, damages, actions and causes of action pertaining to or arising out of the City's consideration of my application for employment and use, so long as not malicious, or all information obtained in the course or as a result of all inquiries made into my personal history.

By my signature below, I also acknowledge that the City of Miles City has provided me with a summary of my rights under the Federal Fair Credit Reporting Act (attached copy).

Copies and facsimile transmissions of this authorization that show my signature are as valid as the original release signed by me.

Signature

Date

Full Name: _____ DOB: _____

Other Names Used: _____ Place of Birth: _____

Current Address: _____

Other State(s)/Cities of Residency last 10 Years: _____

Home Phone: _____ Work/Cell Phone: _____

SS#: _____ Driver's License Number & State: _____



CITY OF MILES CITY

ACKNOWLEDGMENT

To be Completed by Applicant

I have provided the foregoing Authorization to Release Information by reason of my intent to become employed with the City of Miles City, Montana, and acknowledging that by my employment, I may come into contact with information which could be deemed confidential.

I understand that inquiries made under the foregoing authorization may include credit history, criminal and driving records, past behavior, character and reputation, and other related matters.

It is my intent to authorize all former employers and all other public and private concerns, including but not limited to: schools, colleges and all scholastic institutions, Consumer reporting agencies, and similar entities, to release any and all information maintained by an such employer or educational entity, concern, agency, person, including, but not limited to: my personal, employment and salary history and condemnations. I understand that any or all of these investigations or inquiries can be performed prior to and periodically throughout the duration of my employment. I further authorize my supervisors and other work associates to disclose their opinions and observations of my work habits, qualities, competency and skills. Furthermore, I authorize full disclosure of any and all substance abuse testing results.

I understand that if I am not selected for employment in whole or in part due to the information contained in a consumer report obtained from a consumer reporting (or similar) agency, that I will be entitled to receive from the City the name and address of the consumer reporting agency or agencies from which the report was obtained.

APPLICANT:

Print Full Name: _____

Signature: _____ Date: _____

WITNESS ATTEST:

Print Full Name: _____

Signature: _____ Date: _____



CITY OF MILES CITY

Summary of Your Rights Under the Fair Credit Reporting Act

To be Given to Applicant

Para informacion en espanol, visite www.ftc.gov/credit o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - ✓ a person has taken adverse action against you because of information in your credit report;
 - ✓ you are the victim of identity theft and place a fraud alert in your file;
 - ✓ your file contains inaccurate information as a result of fraud;
 - ✓ you are on public assistance;
 - ✓ you are unemployed but expect to apply for employment within 60 days.

In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive

credit score information for free from the mortgage lender.

- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need -- usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are:

TYPE OF BUSINESS:	CONTACT:
Consumer reporting agencies, creditors and others not listed below	Federal Trade Commission: Consumer Response Center - FCRA Washington, DC 20580 1-877-382-4357
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Consumer Help (FRCH) P O Box 1200 Minneapolis, MN 55480 Telephone: 888-851-1920 Website Address: www.federalreserveconsumerhelp.gov Email Address: ConsumerHelp@FederalReserve.gov
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Complaints Washington, DC 20552 800-842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-519-4600
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Consumer Response Center, 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation , Office of Financial Management Washington, DC 20590 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture

Finance Committee Meeting August 21, 2014

The **Finance Committee** met Thursday, August 21, 2014, at 12:00 p.m. in the City Hall Conference Room. Present were Committee Members Sue Galbraith, Sheena Martin, and Dwayne Andrews. Committee Member John Hollowell was absent. Also present were Jim Dighans, Interim Fire Chief/Captain Cameron Duffin and Recorder/City Clerk Lorrie Pearce.

Request of Citizens

None

Review Ordinance No. 1275: An Ordinance Changing The Zoning Of Track A of Document # 154532, Envelope 500b, And Located In Section 11 Township 7 North, Range 47 East, M.P.M., From Agriculture District Zone To General Commercial Zone, And For Providing A Hearing Thereon

Chairperson Galbraith said that she felt the area in question meets all requirements for spot zoning except for the last one which states that the property owner would be the only one benefiting from the change. Chairperson Galbraith asked Committee Member Martin if Todoroff's land that is for sale in that area was priced at agricultural or commercial. Committee Member Martin said she didn't know how it was priced, but felt that it's not the rate that is paid for agricultural property. Chairperson Galbraith felt that everyone in that area would benefit if it was zoned commercial. Committee Member Andrews asked Committee Member Martin if she was comfortable that this ordinance would qualify for the zone change, compared to Pheilas. She said yes, and that the findings were completely different.

** * Committee Member Andrews moved to recommend to Council approval of Ordinance No. 1275. The motion was seconded by Committee Member Martin; and by roll call vote, passed unanimously 3-0.*

Review Land Lease at Water Treatment Plant/Jim Dighans

Chairperson Galbraith asked Jim Dighans what he was going to use the land for. He replied that he would raise 10-15 calves and once they were able to eat on their own, he would transfer them to Hathaway. After that he would plant a garden. He also would like to drill a 25 foot well in the area and build a fence around the lot.

Chairperson Galbraith was concerned about the smell being too close to the Art Center and the park.

Committee Member Andrews was concerned as to who would own the well if the lease wasn't renewed. Jim Dighans said that the well would go back to the City and if he had shelter on the land it would be built on skids and removed. Committee Member

Andrews asked how long the lease would be, and Mr. Dighans replied "5 years".

Committee Member Martin said that she would like to see a more comprehensive plan that explains where he would place the well and fence.

*** Committee Member Andrews moved to table the land lease proposal. The motion was seconded by Committee Member Martin; and passed unanimously 3-0.*

Review Ambulance Write Offs

Chairperson Galbraith explained that there was \$29,263.61 in private pay charges for the Ambulance that should go to collections. She also explained that there are several hardship cases that the Finance Committee should look at case by case.

*** Committee Member Andrews moved to recommend to Council approval of \$29,263.61 to be sent to collection. The motion was seconded by Committee Member Martin; and passed unanimously 3-0.*

Schedule for Claims

Chairperson Martin agreed to inspect monthly claims for the next two months. Chairperson Hollowell will inspect the claims for October, November and December.

Adjournment

There being no further business, Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Martin. The meeting was adjourned at 12:15 p.m.

Respectfully Submitted:

Chairperson Susan Galbraith

City Clerk Lorrie Pearce

Call Detail

COLL ACCTS

<u>Call No</u>	<u>Lg Rk Pat No</u>	<u>Patient Account Name</u>	<u>Call Date</u>	<u>Current Payor</u>	<u>Charges</u>	<u>Credits</u>	<u>Balance</u>
13-00388	1 A 23624		04/11/2013	PRIVATE (SELF PA	606.94	548.75	58.19
13-00509	1 A 23634		05/13/2013	PRIVATE (SELF PA	638.59	574.07	64.52
13-00580	1 A 23769		05/24/2013	PRIVATE (SELF PA	642.81	577.45	65.36
13-00586	1 A 23785		05/25/2013	PRIVATE (SELF PA	687.28	0.00	687.28
13-00890	1 A 23603		08/14/2013	PRIVATE (SELF PA	833.92	667.14	166.78
13-01226	1 A 23862		11/06/2013	PRIVATE (SELF PA	698.04	0.00	698.04
13-01240	1 A 24149		11/09/2013	PRIVATE (SELF PA	623.22	0.00	623.22
13-01269	1 A 24162		11/17/2013	PRIVATE (SELF PA	630.61	537.55	93.06
13-01276	1 A 24166		11/19/2013	PRIVATE (SELF PA	2243.40	2043.40	200.00
13-01341	1 A 24203		12/05/2013	PRIVATE (SELF PA	595.33	506.70	88.63
13-01363	1 A 24111		12/09/2013	PRIVATE (SELF PA	613.27	0.00	613.27
13-01372	1 A 24225		12/10/2013	PRIVATE (SELF PA	875.86	0.00	875.86
13-001402	1 A 24242		12/16/2013	PRIVATE (SELF PA	772.55	0.00	772.55
13-01400	1 A 24243		12/16/2013	PRIVATE (SELF PA	685.47	0.00	685.47
13-01408	1 A 24247		12/18/2013	PRIVATE (SELF PA	695.72	590.94	104.78
13-01439	1 A 24265		12/27/2013	PRIVATE (SELF PA	2258.30	1806.64	451.66
13-01457	1 A 23285		12/31/2013	PRIVATE (SELF PA	616.43	523.58	92.85
14-0057	1 A 23680		01/14/2014	PRIVATE (SELF PA	641.16	0.00	641.16
14-0080	1 A 24299		01/18/2014	PRIVATE (SELF PA	727.37	477.37	250.00
14-0089	1 A 24320		01/21/2014	PRIVATE (SELF PA	2169.85	0.00	2169.85
14-0096	1 A 24328		01/22/2014	PRIVATE (SELF PA	969.75	0.00	969.75
14-0105	1 A 24328		01/23/2014	PRIVATE (SELF PA	2333.45	0.00	2333.45
14-0135	1 A 24342		01/31/2014	PRIVATE (SELF PA	774.66	0.00	774.66
14-0174	1 A 24358		02/10/2014	PRIVATE (SELF PA	822.05	0.00	822.05
14-0190	1 A 24363		02/16/2014	PRIVATE (SELF PA	692.77	0.00	692.77
14-0189	1 A 23535		02/16/2014	PRIVATE (SELF PA	766.22	0.00	766.22
14-0199	1 A 24369		02/18/2014	PRIVATE (SELF PA	790.49	0.00	790.49
14-0205	1 A 24374		02/20/2014	PRIVATE (SELF PA	885.35	0.00	885.35
14-0214	1 A 23777		02/21/2014	PRIVATE (SELF PA	708.38	0.00	708.38
14-0233	1 A 24390		02/25/2014	PRIVATE (SELF PA	801.04	640.84	160.20
14-0237	1 A 24392		02/28/2014	PRIVATE (SELF PA	647.49	0.00	647.49
14-0249	1 A 24398		03/04/2014	PRIVATE (SELF PA	643.27	0.00	643.27
14-0261	1 A 24342		03/05/2014	PRIVATE (SELF PA	793.65	0.00	793.65
14-0259	1 A 23319		03/05/2014	PRIVATE (SELF PA	596.39	346.39	250.00
14-0286	1 A 24418		03/12/2014	PRIVATE (SELF PA	640.10	0.00	640.10
14-0303	1 A 24426		03/17/2014	PRIVATE (SELF PA	629.55	0.00	629.55
20	1 A 24162		03/20/2014	PRIVATE (SELF PA	721.25	0.00	721.25
14-0315	1 A 23974		03/21/2014	PRIVATE (SELF PA	764.11	0.00	764.11
14-0365	1 A 24459		04/03/2014	PRIVATE (SELF PA	790.49	0.00	790.49
14-0367	1 A 23319		04/04/2014	SECURE HORIZOI	595.33	345.33	250.00
14-0385	1 A 24465		04/08/2014	PRIVATE (SELF PA	1092.61	0.00	1092.61
14-0495	1 A 24521		05/06/2014	PRIVATE (SELF PA	650.65	0.00	650.65
14-0515	1 A 24392		05/11/2014	PRIVATE (SELF PA	1438.74	0.00	1438.74
14-0595	1 A 24392		05/24/2014	PRIVATE (SELF PA	709.65	0.00	709.65
14-0637	1 A 24613		06/03/2014	PRIVATE (SELF PA	936.20	0.00	936.20
Total For All				45	39449.76	10186.15	29263.61

RESOLUTION NO. 3715

A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2014-2015 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON

WHEREAS, the City of Miles City contributes funds for employee group health insurance premiums;

AND WHEREAS, §2-9-212 MCA permits the City of Miles City to levy an annual property tax, designated "Permissive Medical Levy," to fund the payment of such health insurance premiums in the amount in excess of the base contribution as determined under §2-18-703(4)(c) MCA for group benefits under §2-18-703 MCA;

AND WHEREAS, such levy is not subject to the mill levy limitation set forth in §15-10-420 MCA;

AND WHEREAS, the City of Miles City desires to levy such property tax for Fiscal Year 2014-2015;

AND WHEREAS, the provisions of §2-9-212(2)(b) MCA require public hearing upon any increase in such permissive medical levy prior to implementing such levy;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

That a property tax levy of **22.8** mills be imposed, pursuant to §2-9-212 MCA, for the purposes of funding the premium for group health insurance for Fiscal Year 2014-2015.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed levy on the 26th day of August, 2014, at 7:00 p.m. in the City Hall Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4127 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 12th DAY OF AUGUST, 2014.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 26th DAY OF AUGUST, 2014.**

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 3716

A RESOLUTION PURSUANT TO §15-10-203 OF THE MONTANA CODE ANNOTATED, AUTHORIZING THE BUDGETING OF AN INCREASED AMOUNT OF AD VALOREM TAX REVENUES IN FY 2014-2015 IN EXCESS OF THE PROPERTY TAX REVENUES FOR THE PRIOR FISCAL YEAR AND PROVIDING FOR HEARING THEREON

WHEREAS, the City Council of the City of Miles City, Montana intends to budget for real and personal property tax revenues for Fiscal Year 2014-2015 in excess of the property tax revenues for Fiscal Year 2013-2014, exclusive of taxes on properties appearing for the first time on the property tax records;

AND WHEREAS, §15-10-203 MCA requires the adoption of a resolution of the City Council authorizing such action;

AND WHEREAS, pursuant to §15-10-203 MCA, published notice and public hearing is required prior to adoption of this resolution;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

It hereby authorizes the budgeting of real and personal property tax revenues for FY 2014-2015 in excess of the real and personal property tax revenues for FY 2013-2014.

BE IT FURTHER RESOLVED that pursuant to §15-10-203 MCA, a public hearing shall be held on the above proposed levy on the 27th day of August, 2014, at 7:00 p.m. in the City Hall Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §15-10-203 MCA and §7-1-4127 MCA, at least 2 times with at least 6 days separating each publication. Such publication shall be placed in a portion of the newspaper other than that portion utilized for legal and classified advertisements.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 12th DAY OF AUGUST, 2014.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 26th DAY OF AUGUST, 2014.**

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 3717

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 165 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2014-2015

WHEREAS, the City Council for the City of Miles City, Montana did, on the 26th of February, 1968, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 165; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2014-2015 is estimated by the City Council at the sum of \$ 161,468 and,

WHEREAS, the property in said Special Improvement Lighting District No. 165 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2014-2015 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 165.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 165, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 165 amounting to .005372 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 165, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 26th day of August, 2014, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a

notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 165 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 12th day of August, 2014, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 26th, 2014, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2014-2015 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3717 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2014-2015 Tax Statement.

A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3718

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 167 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2014-2015

WHEREAS, the City Council for the City of Miles City, Montana did, on the 26th of February, 1968, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 167; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2014-2015 is estimated by the City Council at the sum of \$32,570 and,

WHEREAS, the property in said Special Improvement Lighting District No. 167 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2014-2015 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 167.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 167, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 167 amounting to .013103 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 167, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 26th day of August, 2014, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a

notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 167 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 12th day of August, 2014, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 26th, 2014, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2014-2015 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3718 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2014-2015 Tax Statement.

A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3719

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 171 TO DEFRAID THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2014-2015

WHEREAS, the City Council for the City of Miles City, Montana, did on the 10th day of November, 1969, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 171; and

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2014-2015 is estimated by the City Council at the sum of \$4,034 and,

WHEREAS, the property in said Special Improvement Lighting District No. 171 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2014-2015 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 171.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 171, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 171 amounting to .005088 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 171, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 26th day of August, 2014, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a

notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 171 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 12th day of August, 2014, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 26th, 2014, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2014-2015 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3719 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2014-2015 Tax Statement.

A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3720

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 172 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2014-2015

WHEREAS, the City Council for the City of Miles City, Montana did, on the 13th day of April, 1970, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 172; and

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2014-2015 is estimated by the City Council at the sum of \$19,730 and,

WHEREAS, the property in said Special Improvement Lighting District No. 172 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2014-2015 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 172.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 172, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 172 amounting to .025880 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 172, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 26th day of August, 2014, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING,

MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 172 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 12th day of August, 2014, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 26th, 2014, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2014-2015 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3720 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2014-2015 Tax Statement.

A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3721

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 195 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2014-2015.

WHEREAS, the City Council for the City of Miles City, Montana, did, on the 28th day of March, 1978, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 195; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2014-2015 is estimated by the City Council at the sum of \$6,498 and,

WHEREAS, the property in said Special Improvement Lighting District No. 195 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2014-2015 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 195.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 195, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 195 amounting to .008844 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 195, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 26th day of August, 2014, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a

notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 195 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 12th day of August, 2014, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 26th, 2014, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2014-2015 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3721 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2014-2015 Tax Statement.

A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3722

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 202 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2014-2015

WHEREAS, the City Council for the City of Miles City, Montana did, on the 10th day of May, 1983, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 202; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2014-2015 is estimated by the City Council at the sum of \$7,736 and,

WHEREAS, the property in said Special Improvement Lighting District No. 202 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2014-2015 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 202.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 202, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 202 amounting to .009044 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 202, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 26th day of August, 2014, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a

notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 202 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 12th day of August, 2014, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 26th, 2014, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2014-2015 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3722 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2014-2015 Tax Statement.

A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3723

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 173 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2014-2015.

WHEREAS, the City Council for the City of Miles City, Montana, did on the 13th day of March, 2007, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 173; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2014-2015 is estimated by the City Council at the sum of \$1,678 and,

WHEREAS, the property in said Special Improvement Lighting District No. 173 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2014-2015 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 173.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 173, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 173 amounting to .003844 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 173, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 26th day of August, 2014, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a

notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 173 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 12th day of August, 2014, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 26th, 2014, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2014-2015 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3723 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2014-2015 Tax Statement.

A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3724

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 204 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 204 FOR THE FISCAL YEAR 2014-2015.

WHEREAS, on the 15th day of May, 1984, the City Council of the City of Miles City, Montana, passed Ordinance No. 933 and Resolution No. 2284 creating Maintenance District No. 204 to improve and maintain streets, avenues and alleys by sweeping and flushing, chip sealing and overlaying, curb and gutter replacement and repair, asphalt replacement and repair, snow removal, sanding, signing, storm drain cleaning and repair, weed mowing and alley maintenance or any part thereof; and

WHEREAS, not more than forty percent (40%) of the property owners protested in writing against the passage of the ordinance and the said ordinance was finally passed and adopted on June 12, 1984; and

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 204 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2014-2015 is \$945,359.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY MONTANA, AS FOLLOWS:

Section 1: That to defray the costs of maintaining Maintenance District No. 204 for the fiscal year 2014-2015 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 204: .030319 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of 212.23.

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of

land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 204, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 26th day of August, 2014, at 7:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

FINALLY PASSED AND ADOPTED THIS 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3725

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 205 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 205 FOR THE FISCAL YEAR 2014-2015

WHEREAS, on the 15th day of May, 1984, the City Council of the City of Miles City, Montana, passed Ordinance No. 933 and Resolution No. 2285 creating Maintenance District No. 205 to improve and maintain streets, avenues and alleys by sweeping and flushing, chip sealing and overlaying, curb and gutter replacement and repair, asphalt replacement and repair, snow removal, sanding, signing, storm drain cleaning and repair, weed mowing and alley maintenance or any part thereof; and

WHEREAS, not more than forty percent (40%) of the property owners protested in writing against the passage of the ordinance and the said ordinance was finally passed and adopted on June 12, 1984; and

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 205 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2014-2015 is \$247,584.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY MONTANA, AS FOLLOWS:

Section 1: That to defray the costs of maintaining Maintenance District No. 205 for the fiscal year 2014-2015 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 205: .029482 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$206.37.

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of

land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 205, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 26th day of August, 2014, at 7:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

FINALLY PASSED AND ADOPTED THIS 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3726

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 207 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 207 FOR THE FISCAL YEAR 2014-2015.

WHEREAS, on the 27th day of March, 2007, the City Council of the City of Miles, Montana, passed Ordinance No. 1167 and on March 13th, 2007 Resolution No. 3137 creating Maintenance District No. 207 includes, but is not limited to, sprinkling, chip sealing, seal coating, overlaying, treating, pothole repair, general cleaning, sweeping, flushing, snow removal, leaf and debris removal and the operation, maintenance and repair of traffic signal systems, the repair of traffic and street signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and the replacement of not more than 6 feet of sidewalk in any 100-foot portion of sidewalk, and

WHEREAS, not more than forty percent (40%) of the property owners protested in writing against the passage of the ordinance and the said ordinance was finally passed and adopted on June 12, 1984; and

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 207 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2014-2015 is \$4,297.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY MONTANA, AS FOLLOWS:

Section 1: That to defray the costs of maintaining Maintenance District No. 207 for the fiscal year 2014-2015 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 207: .009845 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$68.92.

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 207, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 26th day of August, 2014, at 7:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 12th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

FINALLY PASSED AND ADOPTED THIS 26th day of August, 2014.

MAYOR

ATTEST:

LORRIE PEARCE
CITY CLERK

RESOLUTION NO. 3727

A RESOLUTION APPROVING THE WORK PLAN AND BUDGET FOR FISCAL YEAR 2014-2015 FOR BUSINESS IMPROVEMENT DISTRICT NO. 101, AND PROVIDING FOR HEARING THEREON

WHEREAS, the City of Miles City by Ordinance 1202 established Business Improvement District No. 101;

AND WHEREAS, §7-12-1132 MCA requires the trustees of such business improvement district to annually submit to the City Council of the City of Miles City, for its approval, a work plan and proposed budget for the ensuing fiscal year;

AND WHEREAS, on August 12, 2014, the trustees of said District did submit to the City Council their proposed work plan for FY 2014-2015;

AND WHEREAS, the City Council has considered and approves of such work plan and proposed budget, and desires to finally approve the same, following a public hearing as required by §7-12-1132(3) MCA

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

Upon hearing and full consideration, the City Council of the City of Miles City hereby approves the work plan and proposed budget of Business Improvement District No. 101 for FY 2014-2015, attached hereto as Exhibit "A" and made a part hereof.

BE IT FURTHER RESOLVED that pursuant to §7-12-1132(3) MCA, a public hearing shall be held on the above proposed approval on the 26th day of August, 2014, at 7:00 p.m. in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §15-10-203 MCA, at least 2 times with at least 6 days separating each publication. Such publication shall be placed in a portion of the newspaper other than that portion utilized for legal and classified advertisements.

**SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 12TH
DAY OF AUGUST, 2014.**

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 26TH DAY OF AUGUST, 2014.**

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

2013/2014 Miles City TBID Review

For the fiscal year 2014 we budgeted \$119,575.00 and we expended \$106,989.00.

We spent \$31,896.00 on advertising.

We spent \$36830.00 on event support.

We spent \$24,825.00 on sporting events and tournaments.

We spent \$9700.00 on convention recruitment and support.

We spent \$3550.00 on insurance.

We spent \$185.00 on memberships

RESOLUTION NO. 3731

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY2013-2014 TO APPROPRIATE UNANTICIPATED EXPENSES TO LIGHTING DISTRICT NO. 202 FUND 2470 FOR MACHINERY AND EQUIPMENT EXPENSES

WHEREAS, the City of Miles City has accumulated unanticipated expenses in Lighting District No. 202 Fund No. 2470 in the sum of \$48.97,

AND WHEREAS, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2013-2014 to appropriate the total amount of such unanticipated expenses in the sum of \$48.97 to Lighting District No. 202 Fund No. 2470 for machinery and equipment rental;

AND WHEREAS, such amendment of the Final Budget for Fiscal Year 2013-2014 will result in an overall increase in appropriation authority in Lighting District No. 202 Fund No. 2470,

AND WHEREAS the provisions of §7-6-4006 MCA require a public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

The appropriations for the Final Budget for Fiscal Year 2013-2014 for Lighting District No. 202 Fund No. 2470 shall be increased in the following amount:

Fund No. 2470-072-430263-533: Lighting District No. 202 Fund No. 2470, (Machinery and Equipment rental), in the sum of \$48.97.

Such increased appropriation shall be made from the following Lighting District No. 202, Fund No. 2470 account:

Account No. 2470-101000: Lighting District No. 202 Fund No. 2470 (Cash) in the amount of \$48.97.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2013-2014 on the 26TH day of August, 2014, at 7:00 p.m. in the City Council Chambers at City

Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 12th DAY OF AUGUST, 2014.

C. A. GRENZ, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 26th DAY OF AUGUST, 2014.

C. A. GRENZ, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 3732

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2013-2014 TO APPROPRIATE UNANTICIPATED EXPENSES TO EMERGENCY DISASTER FUND 2260 FOR TRANSFERS TO OTHER FUNDS

WHEREAS, the City of Miles City has accumulated unanticipated expenses in Emergency Disaster Fund No. 2260 in the sum of \$1,483.01,

AND WHEREAS, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2013-2014 to appropriate the total amount of such unanticipated expenses in the sum of \$1,483.01 to Emergency Disaster Fund No. 2260 for transfers to other funds;

AND WHEREAS, such amendment of the Final Budget for Fiscal Year 2013-2014 will result in an overall increase in appropriation authority in Emergency Disaster Fund No. 2260,

AND WHEREAS the provisions of §7-6-4006 MCA require a public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

The appropriations for the Final Budget for Fiscal Year 2013-2014 for Emergency Disaster Fund No. 2260 shall be increased in the following amount:

Fund No. 2260-201-521000-820: Emergency Disaster Fund No. 2260 (Transfers to other funds) in the sum of \$1,483.01.

Such increased appropriation shall be made from the following Emergency Disaster, Fund No. 2260 account:

Account No. 2260-101000: Emergency Disaster Fund No. 2260 (Cash) in the amount of \$1,483.01.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2013-2014 on the 26th day of August, 2014, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS
12TH DAY OF AUGUST, 2014.

C. A. GRENZ, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF
MILES CITY, MONTANA, THIS 26TH DAY OF AUGUST, 2014.

C. A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 3733

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2013-2014 TO APPROPRIATE UNANTICIPATED EXPENSES TO RETIRED SENIOR VOLUNTEER PROGRAM FUND 2985 FOR VACATION EXPENSES

WHEREAS, the City of Miles City has accumulated unanticipated expenses in Retired Senior Volunteer Program Fund No. 2985 in the sum of \$342.38,

AND WHEREAS, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2013-2014 to appropriate the total amount of such unanticipated expenses in the sum of \$342.38 to Retired Senior Volunteer Program Fund No.2985 for vacation expenses;

AND WHEREAS, such amendment of the Final Budget for Fiscal Year 2013-2014 will result in an overall increase in appropriation authority in Retired Senior Volunteer Program Fund No.2985,

AND WHEREAS the provisions of §7-6-4006 MCA require a public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City. Montana as follows:

The appropriations for the Final Budget for Fiscal Year 2013-2014 for Retired Senior Volunteer Program Fund No. 2985 shall be increased in the following amount:

Fund No. 2985-015-450330-131: Retired Senior Volunteer Program, Fund No. 2985, (Vacation), in the sum of \$342.38.

Such increased appropriation shall be made from the following Retired Senior Retirement Program, Fund No. 2985 account:

Account No. 2985-101000: Retired Senior Volunteer Program Fund No. 2985 (Cash) in the amount of \$342.38.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2013-2014 on the 12th day of August, 2014, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 12th DAY OF AUGUST, 2014.

C. A. GRENZ, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 26th DAY OF AUGUST, 2014.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 3734

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2013-2014 TO APPROPRIATE UNANTICIPATED EXPENSES TO LIGHTING DISTRICT NO. 165 FUND 2400 FOR ELECTRICAL UTILITIES EXPENSES AND MACHINERY/EQUIPMENT EXPENSES

WHEREAS, the City of Miles City has accumulated unanticipated expenses in Lighting District No. 165 Fund No. 2400 in the sum of \$609.13,

AND WHEREAS, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2013-2014 to appropriate the total amount of such unanticipated expenses in the sum of \$609.13 to Lighting District No. 165 Fund No. 2400 for electrical utility charges, machinery and equipment rental;

AND WHEREAS, such amendment of the Final Budget for Fiscal Year 2013-2014 will result in an overall increase in appropriation authority in Lighting District No. 165 Fund No. 2400,

AND WHEREAS the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

The appropriations for the Final Budget for Fiscal Year 2013-2014 for Lighting District No. 165 Fund No. 2400 shall be increased in the following amount:

Fund No. 2400-046-430263-341: Lighting District No. 165 Fund No. 2400, (Electrical Utilities) in the sum of \$469.83.

Fund No. 2400-046-430263-533: Lighting District No. 165 Fund No. 2400, (Electrical Utilities), in the sum of \$139.30.

Such increased appropriation shall be made from the following Lighting District No. 165, Fund No. 2400 account:

Account No. 2400-101000: Lighting District No. 165 Fund No. 2400 (Cash) in the amount of \$609.13.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2013-2014 on the 12th day of August, 2014, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 12th
DAY OF AUGUST, 2014.

C. A. GRENZ, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES
CITY, MONTANA, THIS 26th DAY OF AUGUST, 2014.

C. A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

Budget Amendments for FY2014/2015

FUND	ACCOUNT	Revenue	Add	Total Amount	
2985	331166	\$	2,500.00	\$ 23,184.00	RSVP
2985	331165	\$	2,500.00	\$ 60,728.00	RSVP
2510	383000	\$	459.00	\$ 87,274.00	Maint District #204
2520	383000	\$	458.00	\$ 87,274.00	Maint District #205
2520	334001	\$	256,053.00	\$ 256,053.00	Maint District #205
5210	343039	\$	7,500.00	\$ 7,500.00	Water
5310	343039	\$	7,500.00	\$ 7,500.00	Sewer
Expenditures					
1000	470300	350	\$ 1,646.00	\$ 13,646.00	City Council
2394	420531	940	\$ (35,000.00)	\$ -	Building Inspector
2520	430233	350	\$ 259,903.00	\$ 375,903.00	Maint District #205
2820	521204	820	\$ 459.00	\$ 87,274.00	Gas Tax
2820	521205	820	\$ 458.00	\$ 87,274.00	Gas Tax
2985	450340	370	\$ 2,315.00	\$ 6,069.00	RSVP
2985	450300	210	\$ 1,000.00	\$ 1,434.00	RSVP
2985	430300	370	\$ 1,500.00	\$ 4,425.00	RSVP
2985	450340	210	\$ 185.00	\$ 885.00	RSVP
5210	430550	350	\$ 50,000.00	\$ 50,500.00	Water
5210	430550	940	\$ 72,035.00	\$ 540,537.00	Water
5310	430630	350	\$ 50,000.00	\$ 60,000.00	Sewer
5310	430630	940	\$ 91,884.00	\$ 104,384.00	Sewer
5310	430690	940	\$ (102,350.00)	\$ -	Sewer
5310	430640	920	\$ 83,000.00	\$ 6,976,000.00	Sewer
5310	430510	214	\$ (20,383.00)	\$ 3,670.00	Sewer-Admininstration
5310	430630	532	\$ 150.00	\$ 700.00	Sewer
5310	430630	940	\$ 86,100.00	\$ 98,600.00	Sewer
5210-23-430550-940-	Strevel Project, 14" Waterline, Valve Machine, Portion for Front End Loader & GIS, and 1/4 Truck Box				
5310-31-430550-940-	Purchase Sewer camera, 1/4 loader, 1/4 GPS Unit, 1/4 Truck Box				

5210-23-430550-940- Strevel Project, 14" Waterline, Valve Machine, Portion for Front End Loader & GIS, and 1/4 Truck Box

5310-31-430550-940- Purchase Sewer camera, 1/4 loader, 1/4 GPS Unit, 1/4 Truck Box

Budget Amendments for FY2014/2015

1000	11	411840	111	\$	30,182.00	\$	30,182.00	Grant Writer/His Pres wages, etc	Grant Writer/His Pres
1000	11	411840	131	\$	468.00	\$	468.00	Grant Writer/His Pres wages, etc	"
1000	11	411840	132	\$	468.00	\$	468.00	Grant Writer/His Pres wages, etc	"
1000	11	411840	141	\$	140.00	\$	140.00	Grant Writer/His Pres wages, etc	"
1000	11	411840	142	\$	359.00	\$	359.00	Grant Writer/His Pres wages, etc	"
1000	11	411840	143	\$	7,530.00	\$	7,530.00	Grant Writer/His Pres wages, etc	"
1000	11	411840	144	\$	2,380.00	\$	2,380.00	Grant Writer/His Pres wages, etc	"
1000	11	411840	145	\$	2,542.00	\$	2,542.00	Grant Writer/His Pres wages, etc	"
1000	11	521000	820	\$	(39,566.00)	\$	3,457.00	Decrease transfer to Historic Preservation	"
2935	11	460461	111	\$	(30,310.00)	\$	2,098.00	Decrease Grant Writer/His Pres wages, etc	"
2935	11	460461	131	\$	(467.00)	\$	33.00	Decrease Grant Writer/His Pres wages, etc	"
2935	11	460461	132	\$	(467.00)	\$	33.00	Decrease Grant Writer/His Pres wages, etc	"
2935	11	460461	141	\$	(140.00)	\$	10.00	Decrease Grant Writer/His Pres wages, etc	"
2935	11	460461	142	\$	(360.00)	\$	25.00	Decrease Grant Writer/His Pres wages, etc	"
2935	11	460461	143	\$	(7,422.00)	\$	-	Decrease Grant Writer/His Pres wages, etc	"
2935	11	460461	144	\$	(2,391.00)	\$	165.00	Decrease Grant Writer/His Pres wages, etc	"
2935	11	460461	145	\$	(2,552.00)	\$	177.00	Decrease Grant Writer/His Pres wages, etc	"
2935	11	460461	531	\$	(3,600.00)	\$	-	Decrease Grant Writer/His Pres wages, etc	"
2935		380000		\$	(39,566.00)	\$	3,457.00	Decrease Hist Pres. Transfer In	"

RESOLUTION NO. 3739

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN INTERGOVERNMENTAL TRANSFER AGREEMENT FOR MEDICAID SUPPLEMENT PAYMENT PURPOSES CONTRACT WITH THE STATE OF MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES.

WHEREAS, The City of Miles City provides ambulance services to local residents;

AND WHEREAS, the City bills Medicaid for certain services, and is required to follow certain procedures and meet certain criteria to do so;

AND WHEREAS, the Montana Department of Public Health and Human Services has requested that the City of Miles City enter into an Intergovernmental Transfer Agreement to receive Medicaid funding;

NOW THEREFORE BE IT RESOLVED by the City Council of Miles City, Montana, as follows:

1. The "State of Montana Department of Public Health and Human Services Intergovernmental Transfer Agreement for Medicaid Supplemental Payment Purposes Contract," attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreement and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 26TH DAY OF AUGUST, 2014.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

**STATE OF MONTANA
Department of Public Health and Human Services
Intergovernmental Transfer Agreement
For Medicaid Supplemental Payment Purposes Contract**

**Ambulance Provider:
Miles City Ambulance
Contract Number 15-11-1-01-004-0**

SECTION 1. PARTIES

This Contract is entered into between the Montana Department of Public Health and Human Services, Health Resources Division (hereinafter referred to as the "DEPARTMENT"), whose address is 1400 Broadway, P.O. Box 202951, Helena, MT 59620, and the following ambulance provider (hereinafter referred to as the "CONTRACTOR"):

MILES CITY AMBULANCE
ATTN: GARY
PO BOX 910
MILES CITY MT 59301
Provider Number: 58217

THE PARTIES AGREE AS FOLLOWS:

SECTION 2. PURPOSE OF AGREEMENT

The purpose of this Contract is to provide for the voluntary intergovernmental transfer of monies to the DEPARTMENT by the CITY OR COUNTY where the CONTRACTOR is located, a local government entity of the State of Montana. The monies are to be used as matching monies for the receipt of federal Medicaid monies necessary for supplemental payments to ambulance providers that are city or county owned, operated, or publicly funded.

The matching monies provided by the CITY OR COUNTY where the CONTRACTOR is located are to be used by the DEPARTMENT to implement a supplemental payment as defined in Montana's Title XIX State Plan. To be eligible for the supplemental payment, the ambulance provider in Montana must:

1. Be city or county owned, city or county operated, or publicly funded;

2. Transfer city or county funds directly to the DEPARTMENT that are certified by the contributing city or county entity as match for payment for services eligible for federal financial participation in accordance with 42 CFR 433.51;
3. Execute and enter into this written Contract with the DEPARTMENT and agree to abide to the terms of the written Contract.

The DEPARTMENT amended its Title XIX State Plan and amended the state administrative rules effective July 1, 2004 to provide for the Medicaid supplemental payments to eligible ambulance providers. In order to participate, the CONTRACTOR must enter into this Contract and transfer the appropriate amount of monies necessary to match the federal monies to provide for the sum that will fund the supplemental payment.

SECTION 3. TERM OF AGREEMENT

The term of this Contract is effective July 1, 2014 and will extend until July 1, 2021 as long as the ambulance provider is eligible for Medicaid supplemental payments and all parties agree, unless terminated by the DEPARTMENT in accordance with the provisions of the Contract.

SECTION 4. AMBULANCE PROVIDERS THAT ARE THE SUBJECT OF THIS AGREEMENT

The ambulance provider is described in Section 1 and is city or county owned, operated, or publicly funded and is to receive the Medicaid supplemental payment.

SECTION 5. CALCULATION OF AMOUNT OF MONIES NECESSARY FOR MATCH

The CITY OR COUNTY where the CONTRACTOR is located, for the purpose of providing the necessary monies to match the federal monies for the Medicaid supplemental payment, must make an intergovernmental transfer of monies to the State in the amount calculated by the DEPARTMENT. The DEPARTMENT has calculated the intergovernmental transfer to be the difference between the Medicare allowed amount per HCPCS code minus the Medicaid allowed amount per HCPCS code times utilization. The supplemental payment will be the intergovernmental transfer amount times the Federal participation rate.

The intergovernmental transfer by the CITY OR COUNTY where the CONTRACTOR is located to the DEPARTMENT allows for the Medicaid supplemental payment to the contracted ambulance provider by the DEPARTMENT.

The methodology for calculation of the supplemental payment is expressed in and implemented by the approved state plan amendment. The DEPARTMENT will calculate the amount of the Medicaid supplemental payment by using the most recent complete state fiscal year's paid Medicaid claims data and the appropriate Medicare fees.

During the 3rd quarter of each year the DEPARTMENT will send to the CONTRACTOR a letter and a contract spreadsheet. Refer to the contract spreadsheet depicting the amount of the intergovernmental transfer to be issued to the Montana Department of Public Health and Human Services and the supplemental payment amount to be issued to the eligible provider for the specified state fiscal year. Once the check has been received from the CITY OR COUNTY ENTITY where the CONTRACTOR resides, the DEPARTMENT will process the Medicaid supplemental payment and issue a check to the ambulance provider in the amount specified in the specific state fiscal year's contract spreadsheet. Contract spreadsheets become part of this contract. Checks from the ambulance provider must be received by the DEPARTMENT before December 31st and no retroactive supplemental payments will be issued.

SECTION 6. CONDITIONS FOR TRANSFER OF MONIES FOR MATCH

The intergovernmental transfer through a check issued from the CITY or COUNTY treasurer for the amount specified in the spreadsheet(s) and payable to the DEPARTMENT must occur before for the respective Medicaid supplemental payment is made. The intergovernmental transfer must be made to the DEPARTMENT'S accounting entity:

DPHHS Health Resources Division
Fiscal Bureau
1400 Broadway
P.O. Box 202951
Helena, MT 59620

SECTION 7. LIMITATION UPON MONIES TO BE USED AS MATCH

The monies to be transferred to the DEPARTMENT by the CITY OR COUNTY where the CONTRACTOR resides must be derived from a general mill levy or other legally authorized mill levy or other source for which the expenditure of the monies generated by the mill levy or other source are not limited in purpose or are for purposes that encompass the matching of federal Medicaid monies.

No portion of the monies to be transferred to the DEPARTMENT by the CITY OR COUNTY where the CONTRACTOR resides may be derived from a licensing fee, assessment or other mandatory payment defined as a 'health care related tax' under 42 CFR 433.55.

SECTION 8.

LIMITATION UPON USE OF MEDICAID MONIES

The CITY OR COUNTY where the CONTRACTOR resides may not retain any of the funds designated for the Medicaid supplemental payment. In addition, the Ambulance Provider must receive 100% of the payments made by the DEPARTMENT and no such funds shall be returned to the CITY OR COUNTY by the provider. Furthermore, no funds from payments made under the approved Medicaid State plan may be transferred from the participating Ambulance Provider to the CITY OR COUNTY.

SECTION 9.

TERMINATION

The DEPARTMENT may terminate this Contract, with or without cause. The DEPARTMENT, with 30-day notice, may terminate this Contract for any of the following reasons:

1. Federal or State laws, regulations or guidelines are changed or interpreted in such a way that the provision of county generated monies as match for federal Medicaid monies or the implementation of the Medicaid supplemental payment for ambulance providers that are city or county owned, operated, wholly or partially funded, including tax district funding, is no longer feasible;
2. The DEPARTMENT fails to receive the necessary appropriated funds to maintain the current Medicaid reimbursement to the eligible ambulance provider;
3. The CITY OR COUNTY fails to transfer the necessary amount of monies in accordance with the terms of this agreement;
4. The CITY OR COUNTY violates any of the terms of Section 8, above;
5. The DEPARTMENT is no longer able to or allowed to dedicate Medicaid funding to the supplemental payment for recipients of Medicaid funded services;
6. The CITY OR COUNTY owned and operated or partially CITY or COUNTY funded ambulance provider is no longer qualified to receive the Medicaid supplemental payment; and
7. The DEPARTMENT is precluded by a court of competent jurisdiction from implementation of this Contract or of the Medicaid supplemental payment.

SECTION 10. LIAISON

The Transportation Program Officer, whose telephone number is (406) 444-3182 is the liaison for the DEPARTMENT.

The Chief Executive Officer, whose name is _____ and telephone number is _____ is the liaison for the CONTRACTOR.

These persons serve as the primary contacts between the parties regarding the performance of this Contract. Written notices, reports and other information required to be exchanged between the parties must be directed to the liaison at the parties' address set out in this Contract.

SECTION 11. REPAYMENT UPON TERMINATION

Upon termination of this Contract, as provided in Section 8, the DEPARTMENT will repay the CITY OR COUNTY any remaining monies that are not needed for the purpose of further reimbursement for the Medicaid supplemental payment for the eligible ambulance provider for which the monies were intended to be the match for the federal Medicaid monies.

SECTION 12. PROTECTION OF CONFIDENTIAL INFORMATION AND IMPLEMENTATION OF HIPAA REQUIREMENTS

A. CONFIDENTIAL INFORMATION

All material and information constituting or containing consumer and recipient personal information provided to the CONTRACTOR by the DEPARTMENT or developed or acquired by the CONTRACTOR on behalf of the DEPARTMENT, whether verbal, written, magnetic media, or in other forms, is to be regarded as confidential information.

B. APPROPRIATE USE AND PROTECTION OF CONFIDENTIAL INFORMATION

The CONTRACTOR, its subcontractors, or its agents may only use or disclose confidential information for the purposes allowed for under this Contract and any governing federal or state legal and policy authorities. The CONTRACTOR, in accordance with applicable legal and policy authorities, must protect, during and after the term of this Contract, all confidential consumer and recipient information possessed by it for purposes of the delivery of services under this Contract.

C. HIPAA COMPLIANCE

1. The CONTRACTOR, if possessing certain types of personal health care information, known as 'protected health information' (PHI), for purposes of delivery of services on behalf of the State, must be in compliance with the privacy requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, the regulations implementing HIPAA privacy requirements at 45 CFR Part 160 and Subparts A and E of Part 164 as they may be applicable to the CONTRACTOR and the services provided through this Contract, and any federal or state rules, policies, practices or other measures adopted for purposes of HIPAA implementation.
2. Definitions

'Individually identifiable health information' (IIHI) means, as defined in 45 CFR 164.501, a subset of health information, including demographic information collected from an individual that: 1) is created or received by a health care provider, a health plan, an employer, or a health care clearinghouse; 2) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual and 3) identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

'Protected health information' (PHI) means, as defined in 45 CFR 164.501, individually identifiable health information with the exception of psychiatry notes and of health information appearing in certain education related records.
3. The CONTRACTOR must implement, as directed by the DEPARTMENT, any policies, practices, forms, reports or other measures necessary to assure compliance by the CONTRACTOR in its delivery of services for the State with the provisions of HIPAA that govern the confidentiality of PHI.
4. The DEPARTMENT'S Certification Form, signed by the CONTRACTOR and incorporated as an attachment to this Contract provides for the CONTRACTOR'S certification of its determination as to whether it is legally subject to the HIPAA privacy requirements and, if subject to the HIPAA, certification of its determination that it is fully in compliance with HIPAA.

D. NOTICE TO THE DEPARTMENT

The CONTRACTOR must notify the DEPARTMENT in writing within 5 work days in the event that: 1) a complaint is lodged with the Office of Civil Rights (OCR) of the federal Department of Health and Human Services alleging that the CONTRACTOR is not in compliance with the privacy protections of HIPAA; 2) the Office of Civil Rights (OCR) of the Department of Health and Human Services determines that the CONTRACTOR is not in compliance with the privacy protections of HIPAA; or 3) an administrative action or litigation is initiated against the CONTRACTOR based on any legal authority pertaining to the protection of confidential information. The CONTRACTOR must provide the DEPARTMENT with copies of the administrative notices, complaints, and determinations, or of the legal complaints and judicial orders.

E. TERMINATION OF CONTRACT FOR FAILURE TO COMPLY

Failure of the CONTRACTOR to be in compliance with this provision, the DEPARTMENT'S policies protecting confidential information, or federal and state legal authorities, inclusive of HIPAA, governing the protection of confidential information is cause for termination of this Contract by the DEPARTMENT.

SECTION 13.

INDEMNIFICATION

- A. The CONTRACTOR must indemnify, defend, and hold harmless the State of Montana, its officials, agents, and employees from any breach of this contract by the CONTRACTOR, from any matters arising from the performance of this contract, or from the CONTRACTOR'S failure to comply with any federal, state, and local laws, regulations, and ordinances applicable to the services or work to be provided under this contract.
- B. This indemnification applies to all claims, obligations, liabilities, costs, attorney's fees, losses or suits resulting from any acts, errors, omissions or negligence, whether willful or not, of the CONTRACTOR, its employees, agents, subcontractors, or assignees and any other person, firm, or corporation performing work, services, or providing materials under this contract.

SECTION 14.

AGREEMENT IN ITS ENTIRETY

This Contract consists of this document and there are no other Contract documents unless specifically referenced and incorporated in the Contract. There are no understandings, agreements or representations, oral or written not specified herein regarding this Contract. No waiver, consent, modification or change of terms of this Contract is binding upon either party unless stated in writing and signed by both parties.

SECTION 15.

THIRD PARTY BENEFICIARIES

The DEPARTMENT and the CONTRACTOR are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in the Contract gives, or is intended to give or is to be construed to give or provide any benefit or right whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Contract.

CITY OR COUNTY:

_____	_____
Name / Position	Date

AMBULANCE PROVIDER:

_____	_____
Chief Executive Officer	Date

DEPARTMENT:

_____	_____
Duane Preshinger, Administrator Health Resources Division 1400 Broadway, P.O. Box 202951 Helena, MT 59620-2951 (406) 444-4458	Date

Attachment A

Business Associates Agreement

ATTACHMENT A

BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement (this "Agreement") between the Montana Department of Public Health and Human Services ("Covered Entity") and Miles City Ambulance is entered into in accordance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as codified at 42 USCA §1320d-d8, and its implementing regulations at 45 C.F.R. Parts 160, 162 and 164 (the "HIPAA Regulations"); and the Health Information Technology for Economic and Clinical Health Act, enacted as part of the American Recovery and Reinvestment Act of 2009, and its attendant regulations and guidance (the "HITECH Act").

Purpose of the Agreement

Business Associate provides certain services on behalf of Covered Entity that require the Covered Entity to disclose certain identifiable health information to Business Associate. The parties desire to enter into this Agreement to permit Business Associate to have access to such information and comply with the business associate requirements of HIPAA, the HIPAA Regulations, and the HITECH Act, as each may be amended from time to time in accordance with the terms and conditions set forth in this Agreement.

1. Definitions

- A) Terms used, but not otherwise defined, in this Agreement shall have the same meaning as those terms are defined in the HIPAA Regulations and the HITECH Act. For convenience of reference, the definitions of certain terms are as follows:
- 1) "Minimum Necessary" means the PHI limited to the limited data set as defined in 45 C.F.R. § 164.514(e)(2), to the extent practicable; or if needed, to the minimum necessary to accomplish the intended purpose of the use, disclosure or request of PHI; provided, the definition of "minimum necessary" shall be controlled by guidance issued by the Secretary (as defined herein) upon the effective date of such guidance.
 - 2) "Secretary" shall mean the Secretary of the Department of Health and Human Services or designee.

2. Obligations and Activities of Business Associate

- A) Business Associate agrees to not use or disclose protected health information ("PHI") other than as permitted or required by the Agreement or as required by law.
- B) Business Associate agrees to use appropriate safeguards to prevent use or disclosure of the PHI other than as provided for by this Agreement.
- C) Business Associate acknowledges that, effective February 17, 2010, 45 C.F.R. §§ 164.308, 164.310, 164.312 and 164.316 will apply to Business Associate in the same manner that such sections apply to covered entities and are incorporated into this Agreement by reference. The additional requirements of the HITECH Act that relate to security and that apply to covered entities also will apply to Business Associate and are incorporated into this Agreement by reference. Business Associate agrees to implement the technical safeguards provided in guidance issued annually by the Secretary for carrying out the obligations under the Code of Federal Regulation sections cited above (in this Section 2(C)(1)) and the security standards in Subpart C of Part 164 of Title 45 of the Code of Federal Regulations.
- D) Business Associate agrees to:

- 1) implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of Electronically stored or transmitted Protected Health Information ("ePHI") as required by Subpart C of Part 164 of Title 45 of the Code of Federal Regulations;
 - 2) ensure that any agent, including a subcontractor, to whom Business Associate provides ePHI agrees to implement reasonable and appropriate safeguards to protect ePHI; and,
 - 3) report to Covered Entity any security incident of which Business Associate becomes aware that threatens the confidentiality, integrity, and availability of ePHI.
- E) Business Associate agrees to mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of PHI by Business Associate in violation of the requirements of this Agreement.
- F) Business Associate agrees to report to Covered Entity any use or disclosure of the PHI not provided for by this Agreement of which it becomes aware.
- G) Business Associate agrees to provide access, within five days of Covered Entity's request, to PHI in a Designated Record Set, to Covered Entity or, as directed by Covered Entity, to an Individual in order to meet the requirements under 45 C.F.R. § 164.524 and Section 13405(e) of the HITECH Act.
- H) Business Associate agrees to ensure that any agent, including a subcontractor, to whom it provides PHI received from, or created or received by Business Associate on behalf of, Covered Entity agrees to the same restrictions and conditions that apply through this Agreement to Business Associate with respect to such information.
- I) Business Associate agrees to make any amendment(s) to PHI in a Designated Record Set that the Covered Entity directs or agrees to, pursuant to 45 C.F.R. § 164.526, within five days of the request of Covered Entity or an Individual.
- J) Business Associate agrees to make internal practices, books, and records, including policies and procedures, relating to the use and disclosure of PHI received from, or created or received by Business Associate on behalf of Covered Entity, available to the Covered Entity, or to the Secretary, within five days of the request or as designated by the Secretary, for purposes of the Secretary determining Covered Entity's compliance with the HIPAA Regulations and HITECH Act.
- K) Business Associate agrees to document such disclosures of PHI and collect information related to such disclosures as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528 and Section 13405(c) of the HITECH Act.
- 1) **[If Covered Entity has EHR as of 1/1/09]** Effective for disclosures made on or after January 1, 2014, and notwithstanding 45 C.F.R. § 164.528(a)(1)(i), Business Associate agrees to document disclosures of PHI made through an electronic health record to carry out treatment, payment or health care operations as provided by 45 C.F.R. § 164.506 in the three years prior to the date on which the accounting is requested, and to collect information related to such disclosures as required by the Secretary in regulation pursuant to Section 13405(c)(2) of the HITECH Act.

[If Covered Entity does not have EHR as of 1/1/09] Effective for disclosures made upon the latter of January 1, 2011 or the date that Covered Entity acquires an electronic health record, and notwithstanding 45 C.F.R. § 164.528(a)(1)(i), Business Associate agrees to document disclosures of PHI through an electronic health record to carry out treatment, payment or health

care operations as provided by 45 C.F.R. § 164.506 made in the three years prior to the date on which the accounting is requested, and to collect information related to such disclosures as required by the Secretary in regulation pursuant to Section 13405(c)(2) of the HITECH Act.

- L) Business Associate agrees to provide to Covered Entity or an Individual within twenty days of Covered Entity's request, information collected in accordance with Paragraph (K) above, to permit Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528 and the HITECH Act.
- M) Business Associate agrees to comply with Section 13402 of the HITECH Act and the regulations implementing such provisions, currently Subpart D of Part 164 of Title 45 of the Code of Federal Regulations, as such regulations may be in effect from time to time. Pursuant to such requirements, Business Associate agrees to implement response programs that specify actions to be taken when Business Associate detects or becomes aware of unauthorized access to information systems.
 - 1) Business Associate agrees to notify Covered Entity, by facsimile or telephone, of any breach or suspected breach of its security related to areas, locations, or computer systems which contain unsecured PHI, including, without limitation, any instance of theft, unauthorized access by fraud, deception, or other malfeasance or inadvertent access (an "Incident") in accordance to 45 C.F.R. §164.410 as promptly as possible, upon having reason to suspect that an Incident may have occurred, and typically prior to beginning the process of verifying that an Incident has occurred or determining the scope of any such Incident, but in no event later than two (2) calendar days upon having reason to suspect that an Incident may have occurred.
 - 2) In the event of any such Incident, Business Associate shall further provide to Covered Entity, in writing, such details concerning the Incident as Covered Entity may request, and shall cooperate with Covered Entity, its regulators and law enforcement to assist in regaining possession of such unsecured PHI and prevent its further unauthorized use, and take any necessary remedial actions as may be required by Covered Entity to prevent other or further Incidents.
 - 3) If Covered Entity determines that it may need to notify any Individual(s) as a result of such Incident that is attributable to Business Associate's breach of its obligations under this Agreement, Business Associate shall bear all reasonable direct and indirect costs associated with such determination including, without limitation, the costs associated with providing notification to the affected Individuals, providing fraud monitoring or other services to affected Individuals and any forensic analysis required to determine the scope of the Incident.
 - 4) In addition, Business Associate agrees to update the notice provided to Covered Entity under Section (2)(M)(1) of this Agreement of such Incident to include, to the extent possible and as soon as possible working in cooperation with Covered Entity, the identification of each Individual whose unsecured PHI has been, or is reasonably believed by Business Associate to have been accessed, acquired, used or disclosed during the Incident and any of the following information Covered Entity is required to include in its notice to the Individual pursuant to 45 C.F.R. §164.404(c):
 - a. A brief description of what happened, including the date of the Incident and the date of discovery of the Incident, if known;
 - b. A description of the types of unsecured PHI that were involved in the Incident (e.g. Social Security number, full name, date of birth, address, diagnosis);
 - c. Any steps the Individual should take to protect themselves from potential harm resulting from the Incident;

- d. A brief description of what is being done to investigate the Incident, mitigate the harm and protect against future Incidents; and
 - e. Contact procedures for Individuals to ask questions or learn additional information which shall include a toll-free number, an e-mail address, Web site, or postal address (provided, Subsection v is only applicable if Covered Entity specifically requests Business Associate to establish contact procedures).
- 5) Such additional information must be submitted to Covered Entity immediately at the time the information becomes available to Business Associate.
- N) Effective February 17, 2010, Business Associate may use and disclose PHI that is created or received by Business Associate from or on behalf of Covered Entity if such use or disclosure, respectively, complies with each applicable requirement of 45 C.F.R. § 164.504(e) and the HITECH Act. The additional requirements of Subtitle D of the HITECH Act that relate to privacy and that apply to covered entities also will apply to Business Associate and are incorporated into this Agreement by reference.
- O) Effective February 17, 2010, and notwithstanding 45 C.F.R. § 164.522(a)(1)(ii), Business Associate must comply with an Individual's request under 45 C.F.R. § 164.522(a)(1)(i)(A) that Business Associate restrict the disclosure of PHI of the Individual if:
- 1) except as otherwise required by law, the disclosure is to a health plan for purposes of carrying out payment or health care operations (and is not for purposes of carrying out treatment); and
 - 2) the PHI pertains solely to a health care item or service for which the health care provider involved has been paid out of pocket in full.
- P) To the extent otherwise permitted by this Agreement, any written fundraising communication occurring on or after February 17, 2010 that is a health care operation shall, in a clear and conspicuous manner and consistent with guidance to be provided by the Secretary, provide an opportunity for the recipient of the communications to elect not to receive any further such communication. An election not to receive any further such communication shall be treated as a revocation of authorization under section 45 C.F.R. § 164.508.

3. Permitted Uses and Disclosures by Business Associate

Except as otherwise limited in this Agreement, Business Associate may use or disclose PHI to perform functions, activities, or services for, or on behalf of, the Covered Entity as specified in Section 2 of that certain Medicaid Management Information System Contract ("Contract") between the parties, provided that such use or disclosure would not violate HIPAA, the HIPAA Regulations or the HITECH Act if done by Covered Entity or the minimum necessary policies and procedures of the Covered Entity.

4. Specific Use and Disclosure Provisions

- A) Except as otherwise limited in this Agreement, Business Associate may use PHI for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate.
- B) Except as otherwise limited in this Agreement, Business Associate may disclose PHI for the proper management and administration of the Business Associate, provided that disclosures are required by law, or Business Associate obtains reasonable assurances from the person to whom the PHI is disclosed that it will remain confidential and used or further disclosed only as required by law or for the

purpose for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware in which the confidentiality of the PHI has been breached.

- C) Except as otherwise limited in this Agreement, Business Associate may use PHI to provide Data Aggregation services to Covered Entity as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).
- D) Business Associate may use PHI to report violations of law to appropriate Federal and State authorities, consistent with 45 C.F.R. § 164.502(j)(1).
- E) Upon the effective date of Section 13405(d) of the HITECH Act, and to the extent otherwise permitted by this Agreement, Business Associate shall not directly or indirectly receive remuneration in exchange for PHI that is created or received by Business Associate from or on behalf of Covered Entity unless:
 - 1) pursuant to an authorization by the Individual in accordance with 45 C.F.R. §164.508 that includes a specification for whether the PHI can be further exchanged for remuneration by the entity receiving PHI of that Individual; provided, or
 - 2) as provided in Section 13405(d)(2) of the HITECH Act and regulations to be issued by the Secretary, upon the effective date of such regulations.

However, in no instance may Business Associate receive remuneration pursuant to this Section 4(E) without Covered Entity's written authorization.

- F) Effective February 17, 2010, Business Associate may use and disclose PHI that is created or received by Business Associate from or on behalf of Covered Entity only if such use or disclosure, respectively, complies with each applicable requirement of 45 C.F.R. § 164.504(e) and the HITECH Act. The additional requirements of Subtitle D of the HITECH Act that relate to privacy and that apply to covered entities also will apply to Business Associate and are incorporated into this Agreement by reference.
- G) To the extent otherwise permitted by this Agreement, a communication occurring on or after February 17, 2010 by Business Associate that is described in the definition of Marketing in 45 C.F.R. §164.501(1)(i), (ii) or (iii) for which Covered Entity receives or has received Direct or Indirect Payment (excluding payment for Treatment) in exchange for making such communication, shall not be considered a Health Care Operation unless:
 - 1) Such communication describes only a drug or biologic that is currently being prescribed for the recipient of the communication and any payment received in exchange for making such a communication is reasonable in amount; or
 - 2) The communication is made by Business Associate on behalf of the Covered Entity and the communication is otherwise consistent with this Agreement.

Provided, no communication pursuant to this Section 4(G) may be made by Business Associate without prior written authorization by Covered Entity.

5. Obligations of Covered Entity

- A) Covered Entity shall notify Business Associate of any limitation(s) in its notice of privacy practices of Covered Entity in accordance with 45 C.F.R. § 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of PHI. A copy of Covered Entity's Notice of Privacy Practices is attached to this Agreement and incorporated herein.

- B) Covered Entity shall notify Business Associate of any changes in, or revocation of, permission by Individual to use or disclose PHI, to the extent that such changes may affect Business Associate's use or disclosure of PHI.
- C) Covered Entity shall notify Business Associate of any restriction on the use or disclosure of PHI that Covered Entity implemented in accordance with 45 C.F.R. § 164.522 and Section 13405 of the HITECH Act, to the extent that such restriction may affect Business Associate's use or disclosure of PHI.

6. Permissible Requests by Covered Entity

Covered Entity shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under HIPAA, the HIPAA Regulations or HITECH Act if done by Covered Entity.

7. Term and Termination

- A) Term. The Term of this Agreement shall be effective as of the date of full execution indicated below and shall terminate when all of the PHI provided by Covered Entity to Business Associate, or created or received by Business Associate on behalf of Covered Entity, is destroyed or returned to Covered Entity or, if it is infeasible to return or destroy PHI, protections are extended to such information, in accordance with the termination provisions in this Section.
- B) Termination for Cause.
 - 1) Upon Covered Entity's knowledge of a material breach by Business Associate, Covered Entity shall either:
 - a. Notify Business Associate of such breach in reasonable detail, and provide an opportunity for Business Associate to cure the breach or violation; or if cure is not possible, Covered Entity may immediately terminate this Agreement; or,
 - b. If neither termination nor cure is feasible, Covered Entity shall report the violation to the Secretary.
 - 2) Effective February 17, 2010 and upon Business Associate's knowledge of a material breach by Covered Entity, Business Associate shall either:
 - a. Notify Covered Entity of such breach in reasonable detail, and provide an opportunity for Covered Entity to cure the breach or violation; or if cure is not possible, Business Associate may immediately terminate this Agreement; or
 - b. If neither termination nor cure is feasible, Business Associate shall report the violation to the Secretary.
 - 3) Covered Entity may terminate this Agreement upon thirty (30) days written notice in the event (i) Business Associate does not promptly enter into negotiations to amend this Agreement when requested by Covered Entity pursuant to Section 12(B) of this Agreement, or (ii) Business Associate does not enter into an amendment to this Agreement providing assurances regarding the safeguarding of PHI that Covered Entity, in its sole discretion, deems sufficient to satisfy the standards and requirements of HIPAA, the HIPAA Regulations and/or the HITECH Act.
- C) Effect of Termination.
 - 1) Except as provided in paragraph (2) of this subsection (C), upon termination of this Agreement, for any reason, Business Associate shall return or destroy all PHI received from Covered Entity,

or created or received by Business Associate on behalf of Covered Entity. This provision shall apply to PHI that is in the possession of subcontractors or agents of Business Associate. Business Associate shall retain no copies of the PHI.

- 2) In the event that Business Associate determines that returning or destroying the PHI is infeasible, Business Associate shall provide to Covered Entity notification of the conditions that make return or destruction infeasible. Upon Covered Entity's written agreement that return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such PHI.

8. Miscellaneous

- A) **Regulatory References.** A reference in this Agreement to HIPAA, the HIPAA Regulations or the HITECH Act, means the section or provisions as in effect or as amended.
- B) **Amendment.** The Parties agree to take such action as is necessary to implement the standards, requirements, and regulations of HIPAA, the HIPAA Regulations, the HITECH Act, and other applicable laws relating to the security or confidentiality of Health Information. Upon Covered Entity's request, Business Associate agrees to promptly enter into negotiations with Covered Entity concerning the terms of any amendment to the Agreement consistent with the standards, requirements and regulations of HIPAA, the HIPAA Regulations, the HITECH Act or other applicable laws.
- C) **Survival.** The respective rights and obligations of Business Associate under this Agreement shall survive the termination of this Agreement.
- D) **Interpretation.** Any ambiguity in this Agreement shall be resolved to permit Covered Entity to comply with the HIPAA Regulations and HITECH Act.
- E) **Notice.** Any notice or requests provided under this Agreement shall be sent to:

Covered Entity: Department of Public Health and Human Services
Health Resources Division
Attn: Contract Specialist
1400 Broadway/P.O. Box 202951
Helena, Montana, 59620-2951
FAX: 406-444-1864

Business Associate:

FAX: _____

- F) **Relationship of the Parties.** The Parties hereto acknowledge that Business Associate shall be and have the status of independent Contractor in the performance of its obligations under the terms of this Agreement as to Covered Entity. Nothing in this Agreement shall be deemed or construed to create a joint venture or partnership between Covered Entity and Business Associate.

IN WITNESS WHEREOF, Covered Entity and Business Associate execute this Agreement to be effective on the last date written below.

MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

By: _____ Date _____
Duane Preshinger, Administrator

DPHHS Health Resource Divison
1400 Broadway PO BOX 202951
Helena, MT 59620

406-444-4458

MILES CITY AMBULANCE

By: _____ Date _____

Name Title as _____

MILES CITY AMBULANCE
PO BOX 910
MILES CITY MT 59301

Phone number: _____

Federal I.D. Number

Attachment B

Department Certification Form

CERTIFICATION OF COMPLIANCE WITH CERTAIN REQUIREMENTS FOR DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES CONTRACTORS

The Contractor, _____, for the purpose of contracting with the Montana Department of Public Health & Human Services, certifies to the Department its compliance, as may be applicable to it, with the following:

- A. That the Contractor does not act in collusion with other contractors for the purpose of gaining unfair advantages for it or other contractors or for the purpose of providing the services at a noncompetitive price or otherwise in a noncompetitive manner.
- B. That the Contractor is an independent contractor; that it maintains necessary and appropriate workers compensation and unemployment insurance coverage; that it is solely responsible for and must meet all labor and tax law requirements pertaining to its employment and contracting activities, inclusive of insurance premiums, tax deductions, tax withholding, overtime wages and other employment obligations that may be legally required with respect to it.
- C. That the Contractor, any employee of the Contractor, or any significant subcontractor in the performance of the duties and responsibilities of the proposed contract, are not currently suspended, debarred, or otherwise prohibited from entering into a federally funded contract or participating in the performance of a federally funded contract.
- D. That the Contractor is in compliance with all of the privacy, electronic transmission, coding and other requirements of the Health Insurance Portability And Accountability Act of 1996 and its implementing rules as may be applicable to the Contractor.
- E. That the Contractor, if receiving federal monies, does not expend federal monies in violation of federal legal authorities prohibiting expenditure of federal funds on lobbying federal and state legislative bodies or for any effort to persuade the public to support or oppose legislation.
- F. That the Contractor, if receiving federal monies, prohibits smoking at any site of federally funded activities that serves youth under the age of 18. This is not applicable to sites funded with Medicaid monies only or to sites used for inpatient drug or alcohol treatment.
- G. That the Contractor, if receiving federal monies, maintains drug free environments at its work sites, providing required notices, undertaking affirmative reporting, et al., as required by federal legal authorities.
- H. That the Contractor manages any real, personal, or intangible property purchased or developed with federal monies in accordance with federal legal authorities.
- I. That the Contractor, if receiving federal monies, is not delinquent in the repayment of any debt owed to a federal entity.
- J. That the Contractor, if expending federal monies for construction purposes or otherwise for property development, complies with federal legal authorities relating to flood insurance, historic properties, relocation assistance for displaced persons, elimination of architectural barriers, metric conversion, and environmental impacts.
- K. That the Contractor, if expending federal monies for research purposes, complies with federal legal authorities relating to use of human subjects, animal welfare, biosafety, misconduct in science and metric conversion.

- L. That the Contractor, if receiving \$100,000 or more in federal monies, complies with all applicable standards and policies relating to energy efficiency which are contained in the state energy plan issued in compliance with the federal Energy Policy and Conservation Act.

The Contractor is obligated during the duration of the contractual relationship to abide by those requirements pertinent to it in accordance with the governing legal authorities.

Not all of these assurances may be pertinent to the Contractor=s circumstances. This certification form, however, is standardized for general use and signing it is intended to encompass only provisions applicable to the circumstances of the Contractor in relation to the federal and state monies that are being received.

These assurances are in addition to those stated in the federal OMB 424B (Rev. 7-97) form, known as "**ASSURANCES - NON-CONSTRUCTION PROGRAMS**", issued by the federal Office of Management of the Budget (OMB). Standard Form 424B is an assurances form that must be signed by the Contractor if the Contractor is to be in receipt of federal monies.

There may be program specific assurances, not appearing either in this form or in the OMB Standard Form 424B, that the Contractor may have to provide by certification.

This form, along with OMB Standard Form 424B, are to be provided with original signature to the Department=s contract liaison. The completed forms are maintained by the Department in the pertinent purchase and contract files.

Further explanation of several of the requirements certified through this form may be found in the Department=s standard Request For Proposal (RFP) format document, standard contracting requirements document, and set of standard contract provisions. In addition, detailed explanations of federal requirements may be obtained through the Internet at sites for the federal departments and programs and for Office for Management of the Budget (OMB) and the General Services Administration (GSA).

NAME OF CONTRACTOR: _____

By:

Date

as _____
Typed/Printed Name Title

Address

City, State Zip

Phone Number

Federal I.D. Number

Attachment C

Standard Form LLL (Disclosure of Lobbying Activities)

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

Approved by OMB
0348-0046

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: Year _____ quarter _____ Date of last report _____ _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known Congressional District, if known:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant (If individual, last name, first name, MI):	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
11. Information requested through this form is authorized by Title 31 U.S.C., Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawarded or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to Title 31 U.S.C., Section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include, but are not limited to, subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks ASubawardee, then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award of loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (Item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in Item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number, the contract, grant or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., ARFP-DE-90-001".
9. For a covered Federal action, where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in Item 4 or 5.
10.
 - (a) Enter the full name, address, city, state and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in Item 4 to influence the covered Federal action.
 - (b) Enter the full names of the individual(s) performing services and include full address if different from 10(a). Enter Last Name, First Name and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Attachment D

Sources of Information for HIPAA (Health Insurance Portability and Accountability Act)

SOURCES OF INFORMATION
ON THE PRIVACY, TRANSACTIONS AND SECURITY REQUIREMENTS
PERTAINING TO HEALTH CARE INFORMATION OF THE FEDERAL
HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
(HIPAA)

The following are sources of information concerning the applicability of and implementation of the privacy, transactions and security requirements of HIPAA. The Department of Public Health & Human Services requires that Contractors generating, maintaining, and using health care information in relation to recipients of State administered and funded services be compliant with the requirements of HIPAA.

There can be difficulty in interpreting the applicability of HIPAA to an entity. It is advisable to retain knowledgeable consultants or attorneys to advise concerning determinations of applicability.

Websites specified here may be changed without notice by those parties maintaining them.

FEDERAL RESOURCES:

The following are official federal resources in relation to HIPAA requirements. These are public sites.

1. U.S. Department Of Health & Human Services / Centers For Medicare & Medicaid Services

www.cms.gov/hipaa

The federal Department of Health & Human Services/Centers For Medicare & Medicaid Services (CMS) provides information pertaining to transactions, security and privacy requirements under HIPAA, including the adopted regulations and various official interpretative materials. CMS is responsible for the implementation nationally of the transactions and security aspects of HIPAA.

2. U.S. Department of Health & Human Services/Office Of Civil Rights

www.hhs.gov/ocr/hipaa

The federal Department of Health & Human Services/Office Of Civil Rights (OCR) provides information pertaining to privacy requirements under HIPAA, including the adopted regulations and various official interpretative materials. This site includes an inquiry service. OCR is responsible for the implementation of the privacy aspects of HIPAA and serves as both the official interpreter for and enforcer of the privacy requirements.

3. U.S. Department of Health & Human Services/Centers For Disease Control & Prevention

www.cdc.gov/privacyrule

The federal Department of Health & Human Services/Centers For Disease Control & Prevention (CDC) provides information pertaining to the application of privacy requirements under HIPAA to public health activities and programs.

OTHER NATIONAL PUBLIC RESOURCES:

WEDI/SNIP

www.wedi.org/snip

The Workgroup For Electronic Data Interchange is a collaborative national effort, inclusive of the federal entities, that has undertaken a broad effort at the implementation of HIPAA, in particular the electronic transactions and security aspects, known as the Strategic National Implementation Process. There are several regional and state based WEDI/SNIP efforts. There is not one, however, that covers Montana.

STATE RESOURCES:

1. Montana Collaborative Website

www.hipaamontana.com

This site is a collaborative website of several entities, including the Department of Public Health & Human Services, that provides information to the public on HIPAA as it relates to entities in Montana. The Department's policies and forms, pertaining to implementation of HIPAA, appear at this site. This site also provides an analysis as to the interplay of HIPAA with Montana laws on confidentiality.

2. Department Website For Medicaid Providers

www.mtmedicaid.org

This site provides information for providers of services funded with medicaid monies. HIPAA requirements in relation to medicaid state plan services are described at this site.

PROVIDER ASSOCIATIONS:

Many national and state provider associations have developed extensive resources for their memberships concerning HIPAA requirements. Those are important resources in making determinations as to the applicability and implementation of HIPAA.

CONSULTANT RESOURCES:

There are innumerable consulting resources available nationally. The Department does not make recommendations or referrals as to such resources. It is advisable to pursue references before retaining any consulting resource. Some consulting resources have proven to be inappropriate for certain types of entities and circumstances and some may lack the necessary knowledge concerning the applicability and implementation of HIPAA.

Attachment E

Assurances – Non-Construction Programs

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions reducing this burden, to the Office of Management and Budget, Paperwork Reduction project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurance. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to
7. Will comply or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-66), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all nondiscrimination. These include, but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibit discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 2601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part interests in real property acquired for project purposes regardless of Federal participation in purchases.

with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333, regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955k, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling and treatment of warm blooded animals held for research, teaching or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) Which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

RESOLUTION NO. 3740

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A CTEP PROJECT SPECIFIC AGREEMENT WITH THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION FOR DEVELOPMENT OF A BIKE AND PEDESTRIAN PATH IN MILES CITY.

WHEREAS, The City of Miles City has proposed a project through the Community Transportation Enhancement Program (CTEP) for development of a bike and pedestrian path within the City of Miles City;

AND WHEREAS, the State of Montana has agreed to share in the cost of such project through CTEP;

AND WHEREAS, the Department of Transportation has reduced its cost share agreement to writing in the form of a CTEP Project Specific Agreement which must be entered into prior to the City being able to receive project funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Miles City, Montana, as follows:

1. The "CTEP Project Specific Agreement," attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreement and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 26th DAY OF AUGUST, 2014.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

BIKE PED PATH-MILES CITY
UPN: 8851

CTEP PROJECT SPECIFIC AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Montana, acting by and through its Department of Transportation, hereinafter called the "State," and the City of Miles City, hereinafter called the "Grantee". This Agreement is effective on the date of the final signature by the State.

WITNESSETH THAT:

WHEREAS, the Grantee proposes to develop and construct a Community Transportation Enhancement Program (CTEP) project, UPN 8851, titled BIKE PED PATH-MILES CITY; (hereinafter the "project"); and,

WHEREAS, the State and the Grantee recognize the need to develop and construct the project, and are willing to share in its costs in accordance with this agreement; and,

WHEREAS, in accordance with the State's agreement with the Federal Highway Administration (FHWA) of the U.S. Department of Transportation, the State must ensure that certain requirements are met in order for the State to fulfill its obligations to the FHWA and for the project to be eligible for federal funds. Accordingly, the State includes federal requirements, which are among those hereinafter set forth, for this project, and the Grantee agrees to them, and,

WHEREAS, the estimated cost of the project's development and construction is \$69,053; and,

WHEREAS, the financial participation for the project's development and construction will in part be with federal-aid funds made available in federal fiscal 2014; and,

WHEREAS, the federal-aid funds provided are described in the Catalog of Federal Domestic Assistance (CFDA), number 20.205, Highway Planning and Construction under the U.S. Department of Transportation FHWA; and,

WHEREAS, it is understood that all costs associated with the project in excess of these federal-aid funds will be financed by the Grantee; and,

WHEREAS, this document must be executed and submitted to the State before the project development and construction process will be authorized to start; and,

NOW, THEREFORE, in consideration of the covenants herein contained, the parties agree that:

The Grantee will develop a CTEP project described as: the design and construction of ADA compliant concrete sidewalks and a 10 foot wide concrete bicycle and pedestrian path.

The sidewalk will be located in Miles City on the east side of 4th Street between Park Street and Pacific Avenue. The path will be located in Miles City between Main Street and the Scanlan Lake Pool House.

The purpose of this project is to provide safe and convenient bicycle and pedestrian facilities.

The initial estimated federal-aid cost to be requested for the development and construction of this project, by federal-aid account, is as follows:

Federal-Aid Program Account by Project Phase (Maximum CTEP Share)

[9102] Preliminary Engineering (86.58% CTEP) (including environmental documentation)	\$	10,230
[9202] Right-of-Way/Easement Acquisition (86.58% CTEP)	\$	-0-
[9302] Incidental Construction (64.93% CTEP) (utility relocation involvement)	\$	-0-
[9402] Construction Engineering (86.58% CTEP) (including contract administration and inspections)	\$	7,673
[9502] Construction (86.58% CTEP)	\$	51,150
Total	\$	69,053

Miles City	Project	CTEP Funds	Local Match	Additional Contribution
Direct Costs	\$ 69,053	\$ 59,786	\$ 9,267	\$ -0-
TOTAL	\$ 69,053	\$ 59,786	\$ 9,267	\$ -0-

NOTE: Above table does not include indirect costs. Indirect costs will be applied to the CTEP fund share at the rate corresponding to the time the reimbursements are made.

The Grantee will:

1. Be responsible for the \$9,267 local matching funds. The Federal cost participation (CTEP funds) will be \$59,786 of the estimated total project cost of \$69,053. If project costs exceed \$69,053, additional CTEP funds may be used if available, provided the Grantee will furnish the requisite local match. The Grantee will be responsible for any costs exceeding the available CTEP and local matching funds that may be required to complete the project.
2. Attest they have read and understand the CTEP manual located at: http://www.mdt.mt.gov/publications/docs/manuals/mdt_ctep_manual.pdf. including all State and Federal laws, rules and regulations applicable to the CTEP program.
3. Develop and prepare all of the necessary design plans, specifications, estimates, and contract documents for the project in accordance with the CTEP Manual. The selection and retention of any individual or firm to provide or furnish any engineering or design related services will be based upon qualifications in accordance with the CTEP Manual's Consultant Services procedures.
4. Solicit for competitive bids and award a contract to construct the project. The solicitation for the construction contract may be by competitive bid or limited solicitation, so long as the cost does not exceed \$80,000; should the project's construction cost exceed \$80,000, it must be by competitive bid. The Grantee will administer any construction contract and provide the supervision, inspection and documentation required to ensure the project is completed satisfactorily. The State will perform a final project review to ensure substantial compliance with project plans, specifications and estimates.
5. Provide documentation necessary to comply with applicable environmental requirements, including the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the DOT Act.

6. Complete and submit the applicable supporting documentation to the State for review and concurrence prior to beginning the next step in the project's development or construction process, as identified in the CTEP Manual.
7. Submit a claim for cost reimbursement no more than monthly and no less than quarterly detailing items and quantities of acceptable work completed that period to the CTEP Office for the project development and/or construction costs incurred. The request will be accompanied by documentation substantiating the amount requested and identifying the applicable federal share.
8. Agree to provide the State, Legislative Auditor or their authorized agents access to any records necessary to determine compliance with this Agreement. The Grantee agrees to create and retain records supporting this Agreement for a period of three years after the completion date of this Agreement or the conclusion of any claim, litigation or exception relating to this Agreement taken by the State of Montana or a third party.
9. Service, maintain, and pay the cost of operating the project described in this agreement.

General Provisions:

10. The Grantee shall perform an audit in compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq. and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." For local governments and school districts, the Grantee will provide the report to the State of Montana, Department of Administration, Local Government Services Bureau. All other grantees such as Tribal Communities and Non-Profit Organizations will provide the report to the State of Montana, Department of Transportation, Internal Audit Unit.
11. The parties understand and agree that this agreement is subject to the requirements of Section 17-1-106, MCA, which requires the State to fully recover indirect costs (IDC) from the Federal share of costs and any other participating parties. The current IDC rate is 9.13% and the parties further understand and agree that as of October 1, 2009 the Grantee's share of IDC will be paid by MDT per subsection (3). Note: If this project extends across more than one fiscal year, more than one annual rate will be involved, as the rate may change during the life of the project.
12. Except for any suits, claims, actions, losses, costs or damages which are solely the result of the negligent acts or omissions or misconduct of State employees, the Grantee agrees that it will protect, indemnify, and save harmless the State and Department of Transportation against and from all claims, liabilities, demands, causes of action, judgments (with any costs and fees that might be awarded), and losses to them from any cause whatever from the project, and including any suits, claims, actions, losses, costs or damages of any kind, including the State and Department's legal expenses, made against the State or Department by anyone arising out of, in connection with, or incidental to the project and its construction or use or maintenance.
13. Severability and Integration – If any single part or parts of this Agreement are determined to be void, the remaining parts will remain valid and operative. This Agreement, as written, expresses the total, final and only agreement of the parties relevant to its subject matter. No provision, expressed or implied, arising from any prior oral or written request, bid, inquiry, negotiation, contract, or any other form of communication shall be a provision of this Agreement unless specifically provided within the written terms herein.

14. This agreement shall become effective upon execution by both parties. It may be modified only by prior written agreement of both parties.
15. Assignment, Transfer and Subcontracting – The Grantee shall not assign, transfer or subcontract any portion of this Agreement without the express written consent of the State.
16. Choice of Law and Venue – In the event of litigation concerning this Agreement, venue will only be in District Court of the First Judicial District of the State of Montana in and for the County of Lewis and Clark. This Agreement will be interpreted according to Montana law.
17. Termination – The parties may mutually terminate this Agreement in writing at any time. MDT, at its sole discretion, may terminate or reduce the scope of this Agreement if available funding is reduced for any reason. MDT may terminate this Agreement in whole or in part at any time Grantee fails to perform the Agreement terms as set forth.
18. Compliance with Laws – The Grantee, in the performance of this Agreement, fully comply with all applicable federal, state or local laws, rules and regulations, including the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. The Grantee for itself, its assignees and successors in interest, agrees to adhere to the contents as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Grantee shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Grantee, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Grantee shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Grantee for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Grantee of the Grantee's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Grantee will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Grantee is in the exclusive possession of

- another who fails or refuses to furnish this information, the Grantee shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Grantee's noncompliance with the nondiscrimination provisions of this Agreement, the State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
 - (a) Withholding payments to the Grantee under the Agreement until the Grantee complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Grantee will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Grantee will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Grantee is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Grantee may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Grantee or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Grantee agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The Grantee will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Grantee will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Grantee will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Grantee. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Grantee."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the Department signs with a Grantee (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

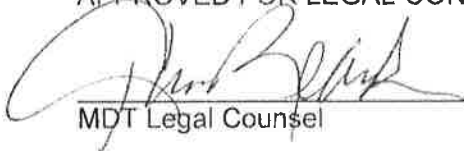
The Grantee, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Grantee shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Grantee to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

IN WITNESS WHEREOF, the Department's authorized representative has signed on behalf of the State of Montana, and the Mayor of the City of Miles City has signed and affixed hereto the seal of the City.

STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION

BY _____, 2014

APPROVED FOR LEGAL CONTENT



MDT Legal Counsel

CITY OF MILES CITY

ATTEST-CITY CLERK

MAYOR

_____ By _____

I, _____, Miles City Clerk, hereby certify that this agreement was regularly adopted by the City Council at a meeting held on the _____ day of _____, 20____, and that the Council authorized the Mayor to sign this agreement on behalf of the City.

[OFFICIAL SEAL]

RESOLUTION NO. 3741

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A STATE-LOCAL DISASTER ASSISTANCE AGREEMENT WITH THE STATE OF MONTANA FOR THE PURPOSE OF ACCEPTING A HAZARD MITIGATION GRANT TO ASSIST IN FUNDING THE CITY'S FLOOD CONTROL ASSESSMENT

WHEREAS, The City of Miles City has applied for a Flood Mitigation Assistance Grant for the purpose of helping fund the updating the Miles City Multi-Hazard Plan through a Flood Control Assessment;

AND WHEREAS, the State of Montana has approved a grant for said project in the amount of \$21,500.00;

AND WHEREAS, the State of Montana has certain requirements which must be adhered to by the City in order to receive said grant money, as set forth in the State-Local Disaster Assistance Agreement which has been provided to the City by the State;

NOW THEREFORE BE IT RESOLVED by the City Council of Miles City, Montana, as follows:

1. The "State-Local Disaster Assistance Agreement," attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreement and bind the City of Miles City thereto, to include the appointment of Lorrie Pearce as the Applicant's Agent for the Miles City Flood Control Assessment, attached hereto as Exhibit "B," and the Funding Commitment Letter, attached hereto as Exhibit "C."

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 26TH DAY OF AUGUST, 2014.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

STATE-LOCAL DISASTER ASSISTANCE AGREEMENT HAZARD MITIGATION GRANT PROGRAM

This agreement between the State of Montana and Miles City and is effective on the date signed by the state and the applicant. It shall apply to all Flood Mitigation Assistance Grant (FMA) funds provided by or through the state from FMA-PL-08-MT-2013-001 to the applicant for the purpose of updating a the Miles City Multi-Hazard Plan conducting a Flood Control Assessment.

The designated representative of the applicant certifies that:

1. He/she has legal authority to apply for assistance on behalf of the applicant.
2. The applicant will appoint by resolution or letter an Applicant's Representative to act on the County's behalf and will establish and maintain a proper accounting system to record expenditures of Pre-Disaster Mitigation funds in accordance with generally accepted accounting standards or as directed by the Governor's Authorized Representative. [NOTE: Attach a copy of the resolution to the applicant.]
3. The applicant will return within 60 days of formal award this state and local agreement, funding commitment letter, and applicant representative designation letter.
4. The applicant will provide all necessary financial and managerial resources to meet the terms and conditions of receiving Pre-Disaster Mitigation Grant funds.
5. The applicant agrees to provide necessary local share of funding for completion of the project.
6. The local cost share funding will be available within the specified time.
7. The applicant will use Pre-Disaster Mitigation funds solely for the purposes for which these funds are provided and as approved by the Governor's Authorized Representative to include utilizing qualified and experienced contractors, preferably those who have been authors of prior FEMA approved Plans.
8. The applicant will give state and federal agencies designated by the Governor's Authorized Representative access to and the right to examine all records and documents related to use of Pre-Disaster Mitigation funds.
9. The applicant will return to the state, within 15 days of such request by the Governor's Authorized Representative, any advanced funds which are not supported by audit or other federal or state review of documentation maintained by the applicant.
10. The applicant will comply with all applicable codes and standards as it pertains to this project and agrees to provide maintenance of the project for a minimum of five years.
11. The applicant will comply with all applicable provisions of federal and state law and regulation in regard to procurement of goods and services.
12. The applicant will begin project work within 90 days of approval of the grant and complete all items of work within the period of performance specified by FEMA unless an exception is granted by FEMA to extend the time frame.
13. The applicant will comply with state reimbursement procedures as written in the Administrative Instructions.

14. The applicant agrees that this sub-grant is their financial responsibility. That the state will make reimbursements based off of information provided by the applicant. If the applicant cannot show supporting documentation when requested or during an audit the sub-grant funds may be recouped.
15. The applicant will comply with accrual requirements as outlined in the administrative instructions.
16. The applicant will comply with all federal and state statutes and regulations relating to non-discrimination.
17. The applicant will comply with the provisions of the Hatch Act limiting the political activities of public employees.
18. If participating the applicant will comply and be in good standing with the National Flood Insurance Program.
19. The applicant will not enter into cost-plus-percentage-of-cost contracts for completion of Pre-Disaster Mitigation Grant Projects.
20. The applicant will not enter into contracts for which payment is contingent upon receipt of state or local funds.
21. The applicant will not enter into any contract with any party that is disbarred or suspended from participating in federal assistance programs.
22. The applicant will comply with one of the following (as appropriate for the type of applicant) for all audit requirements: OMB CIRCULAR NO. A-128 (Single Audit Act); or A-133 (for Private Non-profit Organizations); or 7 CFR Ch. XVII Subpart B-REA Audit Requirements Subsection 1773(d).
23. The applicant will comply, as applicable, with provisions of the Davis-Bacon Act relating to labor standards.
24. The State reserves the right to withhold 10% of the total Federal Funds until the project is complete and approved by FEMA.

SIGNED FOR THE APPLICANT:

Printed Name (Miles City Mayor)

Signature

Date

SIGNED FOR THE STATE:

Brad Livingston
Governor's Authorized Representative (GAR)


Signature

7 Aug 2014
Date



EXHIBIT B

CITY OF MILES CITY

17 S. 8th, P.O. Box 910
Miles City, MT 59301-0910

Telephone: 406-234-3462
Fax: 406-234-2903

August 26, 2014

RE: Applicant's Agent for FMA-PL-08-MT-2013-001, Miles City Flood Control Assessment and Multi-Hazard Mitigation Plan update

Department of Military Affairs
ATTN: DES- Kent Atwood, SHMO
1956 Mt. Majo Street
P.O. Box 4789
Fort Harrison, MT 59636-4789

Dear Kent:

I hereby appoint Lorrie Pearce as my Applicant's Agent for the Miles City Flood Control Assessment under the Flood Mitigation Assistance (FMA) sub-grant.

This individual is empowered to act on behalf of Miles City with regard to all aspects of this FMA Project.

Sincerely,

Chris A. Grenz, Mayor



EXHIBIT C

CITY OF MILES CITY

17 S. 8th, P.O. Box 910
Miles City, MT 59301-0910

Telephone: 406-234-3462
Fax: 406-234-2903

August 26, 2014

Kent Atwood, SHMO
Montana Disaster and Emergency Services (DES)
P.O. Box 4789
Fort Harrison, MT 59636-4789

RE: FMA-PL-08-MT-2013-001, Miles City Flood Control Assessment and Multi-Hazard Mitigation Plan
update Study Funding Commitment Letter

Dear Kent:

This letter is to confirm that Miles City, in accepting a Flood Mitigation Assistance grant for the Flood Control Assessment, is fully aware that the project funding will be conducted as follows:

- Flood Mitigation Assistance Grant (FMA) Funding \$ 21,500.00
- Miles City Local Share \$ 181,500.00
- Total Project Cost \$ 203,000.00

It is understood the total project cost projection is based upon preliminary estimates and may be subject to change. It is also understood that Miles City is prepared to satisfy its match by either cash or well-documented "in kind" contribution. Miles City understands that no more than half of the local match can be provided as in-kind contributions from third parties. The value of these local matching funds may exceed the minimum (25%) match amount requirement but no additional FEMA Federal funds are available.

Miles City will collect and provide detailed documentation to verify cash, "in kind" and/or other task match expenditures associated with this project.

Sincerely,

Chris A. Grenz, Mayor

RESOLUTION NO. 3710

A RESOLUTION ELECTING TO OPERATE UNDER THE ALL-PURPOSE MILL LEVY AND FIXING THE TAX LEVY FOR THE GENERAL FUND, AMBULANCE FUND AND AIRPORT FUND TO BE LEVIED AND ASSESSED ON ALL THE TAXABLE PROPERTY IN THE CITY OF MILES CITY FOR FISCAL YEAR 2014-2015

WHEREAS the City Council of The City of Miles City, Montana, on August 26, 2014, by Resolution No. 3711 approved and adopted a final budget for the City of Miles City for fiscal year 2014-2015;

AND WHEREAS, pursuant to §7-6-4451, the City Council has determined that it is in the best interests of the City of Miles City to operate under the all-purpose annual mill levy;

AND WHEREAS, the City Council has determined the amount of taxes required to balance the budgets as provided in §§7-6-4034 and 7-6-4036 MCA;

AND WHEREAS, the City Council is required by law to fix the tax levy required for the City of Miles City for FY 2014-2015;

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AS FOLLOWS:

1. The City of Miles City elects to operate under the all-purpose mill levy authorized by §7-6-4451 for Fiscal Year 2014-2015.
2. There is hereby levied and assessed for the Fiscal Year 2014-2015 on all taxable property within the City of Miles City, Montana, a tax for 210.29 mills in the following respective amounts and for the following purposes:
 - A. For the general municipal and administrative purposes 207.79 mills, the money to be collected therefrom to be placed in a fund known as the "General Fund" and to be used for said purposes.
 - B. For the purpose of providing ambulance service by the City of Miles City, 1.0 mills, the money to be collected therefrom to be placed in a fund known as the "Ambulance Fund" and to be used for said purposes.

- C. For the purposes of operation of the City-County Airport, 1.5 mills, the money to be collected therefrom to be placed in a fund known as the "Airport Fund" and to be used for said purposes.

3. The City Clerk is hereby directed to at once certify to the Clerk and Recorder of Custer County, Montana, a copy of this resolution.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT ITS REGULAR MEETING, DULY NOTICED, THIS 26TH DAY OF AUGUST, 2014.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce City Clerk

RESOLUTION NO. 3711

A RESOLUTION APPROVING AND ADOPTING A FINAL BUDGET FOR THE CITY OF MILES CITY FOR FY 2014-2015; AUTHORIZING PROCEDURE FOR ADJUSTMENTS TO APPROPRIATIONS FOR CERTAIN FEE BASED BUDGETS; AUTHORIZING PROCEDURE FOR TRANSFERRING APPROPRIATIONS BETWEEN ITEMS WITHIN THE SAME FUND

WHEREAS, there was presented to the City Council of the City of Miles City, Montana a preliminary budget for the City of Miles City fiscal year 2014-2015;

AND WHEREAS, a public hearing was duly noticed and held on August 12, 2014 and again on August 26, 2013, upon such preliminary budget as required by §7-6-4024 MCA;

AND WHEREAS, upon due consideration of all matters presented at such public hearing, and the City Council having made such amendments, if any, to such preliminary budget as deemed necessary;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AS FOLLOWS:

1. The budget attached hereto as Exhibit "A" (hereinafter "the Final FY 2014-2015 Budget,") and by this reference made a part hereof, is hereby approved and adopted.
2. The appropriations set forth in the Final FY 2014-2015 Budget are hereby authorized.
3. The spending for each fund in the FY 2014-2015 Budget is limited at the level of detail set forth in Exhibit "A" to this resolution, except that:
 - a. Pursuant to the authority of §7-6-4031 MCA, the City Council is hereby authorized throughout the budget period, by appropriate resolution, to transfer appropriations in the Final FY 2014-2015 Budget between items within the same fund; and
 - b. Pursuant to the authority of §7-6-4012 MCA, adjustments to appropriations for the following fee-based budgets may be authorized by the City Council during FY 2014-2015:
 - i. Fund No. 2394 Building Inspection
 - ii. Fund No. 2770 Health Fund
 - iii. Fund No. 5510 Ambulance Fund

- iv. Fund No. 56 Airport Fund
- v. Fund No. 6040 Public Works Garage Fund

Provided, all adjustment of fee-based appropriations must be based upon the cost of providing services supported by the fees, and fully funded by the related fees for services, fund reserves, or non fee revenue such as interest.

- 4. This Resolution is effective July 1, 2014.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES
CITY, MONTANA, THIS 27th DAY OF AUGUST, 2014.**

C. A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk