

**\*\*ATTENTION\*\***

Due to the COVID-19 health concerns, the format of the City Council meeting will be held in a virtual videoconferencing environment. In order to honor the Right of Participation and the Right to Know in Article II, sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws:

- The Agenda Packet is available for viewing on the City's website at: <https://ci.billings.mt.us/117/Agendas-Minutes>
- Councilmembers will attend the meeting via a remote location, using a virtual meeting method. City Hall and the Council Chambers will be closed during the meeting.
- The Public may view the meeting on the Community 7 TV - Channel 7 or Channel 507 – Spectrum Cable. The Public may also view online at [www.comm7tv.com](http://www.comm7tv.com) and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel in which to view the meeting.
- Public comment will be taken only during the Public Comment periods as indicated on the agenda, and during the Public Hearings under the Regular agenda. Comments may be sent to Council via email before 3:00 PM, on Monday, August 10, at: <https://ci.billings.mt.us/1538/City-Council-E-mail-Messages>
- Emails received after 3:00 PM and prior to 5:00 PM, may be read during the meeting.
- The Public may call in during specific Public Comment periods at **406.237.6196**. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Future delivery methods may be explored as best practice is learned.

Please contact Denise Bohlman, City Clerk, [bohlmand@billingsmt.gov](mailto:bohlmand@billingsmt.gov), with any questions.

# CITY OF BILLINGS

## CITY OF BILLINGS VISION STATEMENT:

**“THE MAGIC CITY: A DIVERSE, WELCOMING COMMUNITY WHERE PEOPLE PROSPER AND BUSINESS SUCCEEDS.”**

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### AGENDA

August 10, 2020

5:30 P.M.

Council Chambers are Closed.  
The meeting will be held remotely via virtual meeting room. Please see coversheet for details and instructions for viewing and participation.

**CALL TO ORDER:** Mayor Cole

**PLEDGE OF ALLEGIANCE:** Mayor Cole

**INVOCATION:** Councilmember Ewalt

**ROLL CALL:** Councilmembers present on roll call were:  Shaw,  Yakawich,  Neese,  Ewalt,  Joy,  Choriki,  Purinton,  Ronning,  Boyett,  Brown

**MINUTES:** July 27, 2020

**COURTESIES:**

**PROCLAMATIONS:**

**COUNCIL REPORTS:**

**ADMINISTRATOR REPORTS - CHRIS KUKULSKI**

**PUBLIC COMMENT on “NON-PUBLIC HEARING” Agenda Items: 1, 2 and 3 ONLY.**

**Speaker sign-in required.** (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment. Comments on items listed as public hearing items will be heard ONLY during the designated public hearing time for each respective item. For items not on this agenda, public comment will be taken at the end of the agenda.)

1. **CONSENT AGENDA** -- Separations:
    - A. **Bid Awards**: None
    - B. **Mailing Services Contract** with FP Management, Inc., DBA Mailing Technical Services, Inc.; five-year contract with five additional one-year options to renew; \$65,000 yearly average.
    - C. **Professional Services Contract** with Center for Public Safety Management, LLC and National Research Center for Analysis of Fire, EMS and Law Enforcement Services; \$140,860.
    - D. **2021 Unified Planning Program (UPWP)**.
    - E. **Memorandums of Understanding (MOU)** between the City of Billings and Billings Public Schools and Billings Catholic Schools for School Resource Officer Program; \$365,311.
    - F. **Department of Environmental Quality (DEQ) Montana Energy Office** grant to Parking Division for electric car charging stations; \$25,500.
    - G. **2019 Project Safe Neighborhood Researchers** grant to Police Department; \$40,000.
    - H. **2019 Railroad Trespassing Enforcement** grant to Police Department; \$50,000.
    - I. **Donation** from Phillips 66 to Police Department for body camera program; \$50,000.
    - J. **Preliminary Subsequent Minor Plat** of Midland Subdivision, 1st Filing, Amended L1, B1, generally located at the northwest corner of South 24th Street West and Marketplace Street , 640 South 24th Street West Associates, LLC, owner; Sanderson Stewart, agent. \* *Quasi-Judicial*
  - \* *Quasi-Judicial* – Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.
  - K. **Second/Final Reading Ordinance for Zone Change 978**: a zone change from Entryway Light Industrial (ELI) to Highway Commercial (HC) on a parcel of land located in Montana Sapphire Subdivision to facilitate the construction of a new apartment complex located at 4160 King Avenue West . Montana Sapphire, LLC, owner, Performance Engineering, agent. Approval of the Zone Change and adoption of the 10 criteria. \* *Quasi-Judicial*
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**\* Quasi-Judicial** – Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

- L. Second/Final Reading Ordinance for Zone Change 979:** a zone change from R-70-R, a single family only zone district, to R-50 to allow the development of two-family dwellings on a 2.4 acre parcel of land, described as Lots 17-25, Block 31 of High Sierra Subdivision, 16th filing . Gary Owen, owner; Sanderson Stewart, agent. Approval of the Zone Change and adoption of the 10 criteria. **\* Quasi-Judicial**

**\* Quasi-Judicial** – Caution must be exercised concerning any potential ex parte communications with interested parties. This policy-making body may exercise approval or other adjudication authority which is "judicial" because it directly affects the legal rights of a person.

**M. Bills for the week of:**

1. July 6, 2020

**Recommended Motion:** I move to approve the items of the Consent Agenda as submitted, with the exception of items moved for separation.

**REGULAR AGENDA:**

2. **RESOLUTION** vacating the alley right-of-way adjacent to Lots 1-6, Block 1, La Ray Subdivision; Propiedad, LLC, petitioner. Staff recommends approval. (Action: approval or disapproval of staff recommendation.)

• *Presented by: Debi Meling, City Engineer*

**Recommended Motion:** I move to approve the resolution vacating the alley right-of-way, as recommended by staff.

3. **PURCHASE AGREEMENT** with Elmer Fox Estate for approximately 20 acres of land located at 6014 South Billings Boulevard for Billings Operations Center; \$2.1 million.

• *Presented by: Jessica Iverson, Facilities Manager*

**Recommended Motion:** I move to approve the purchase agreement, as recommended by staff.

**PUBLIC COMMENT on “NON-AGENDA ITEMS”.** **Speaker Sign-in required.** (Comments are limited to three (3) minutes or as set by the Mayor. During COVID-19, the method to take and hear public comment has changed. Individuals wishing to give public comment will call a dedicated phone line (237.6196) and held in queue until it is their turn to comment.)

**COUNCIL INITIATIVES:**

**ADJOURN:**

Council meetings may be viewed at any time by accessing Community 7 Television online at [www.comm7tv.com](http://www.comm7tv.com) and clicking on archived programs.

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Mailing Services Contract

**PRESENTED BY:** Liz Kampa

**Department:** Finance

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**RECOMMENDATION**

The Committee recommends that the City Council approve, and the Mayor sign, a five-year contract with five additional one-year options to renew, for the City's Mailing Services, with FP Management, Inc. (DBA Mailing Technical Services, Inc.).

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

Pursuant to the City's Purchasing Procedures, a Request for Proposals (RFP) for Mailing Services for all City departments was advertised in the *Yellowstone County News* on June 26 and July 3, 2020. Proposals were to be received by Friday, July 17, 2020.

The selection committee consisted of City staff: Liz Kampa-Weatherwax, Andy Zoeller, Dawn Hurd and Jamie Ogger. One proposal was received from FP Management, Inc. (DBA Mailing Technical Services, Inc.), who has been performing these contract services successfully since 2005.

The committee reviewed the proposal and considered Proposal Compliance, Comprehensiveness of Services Provided, Related Experience, Firm Stability, Prior City Experience, Assigned Individuals and Quality Assurance, before considering charges for services. The committee approved the proposal from FP Management, Inc. (DBA Mailing Technical Services, Inc.), and the submitted price matrix was examined prior to recommending award to Mayor and Council.

The City spends an average of \$65,000/year on combined postage and fees through the mailing services contract. This includes a \$.035/piece discount from standard USPS postage on all letters (the bulk of our mail), a 10% markup from USPS prices for flats, packages and postcards, a \$.50/piece fee for certified mail, and a \$.07/piece fee for statements and inserts.

**ALTERNATIVES**

City Council may:

- Approve a five-year contract with five additional one-year options to renew, for the City's Mailings Services, with FP Management, Inc. (DBA Mailing Technical Services, Inc.), or;
- Disapprove a five-year contract with five additional one-year options to renew, for the City's Mailings Services, with FP Management, Inc. (DBA Mailing Technical Services, Inc.), and provide further direction to staff.

**FISCAL EFFECTS**

FP Management, Inc. (DBA Mailing Technical Services, Inc.) has been providing mailing services for the City since 2005. All Departments currently utilize this centralized service contract. The City spent \$66,000 through the centralized Mailing Services contract in FY20. The Departments have budgeted for this expense.

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**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Analysis of Fire, EMS and Law Enforcement Services - Consultant Agreement

**PRESENTED BY:** Kevin Iffland, Assistant City Administrator

**Department:** City Hall Administration

**Division:** Administration

**RECOMMENDATION**

Staff recommends the City Council award a professional services contract for the Analysis of Fire, EMS and Law Enforcement Services to the Center for Public Safety Management, LLC and National Research Center in the amount of \$140,860.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

During the FY21 budget process City Council approved \$150,000 in the administration budget to conduct an analysis of the Fire, EMS and Police Services. A request for proposals was advertised on July 3 and July 10, 2020. Six proposals were submitted by July 20, 2020. A six member selection committee consisting of Police, Fire, County Attorney Office and City administration reviewed the proposals. The Center for Public Safety Management (CPSM) proposal was unanimously selected based on the following categories:

- Experience of Supplier with services required by the City of Billings
- Capacity to assume new business
- Perceived ability to meet the City of Billings requirements
- Availability (timetable) for providing goods and/or services
- Breadth of services available
- Company's financial stability
- Ongoing support
- Reporting capability
- Quality Control Process
- Process Improvements
- Training
- Compliance with the City of Billings Terms and Conditions

An additional component of the request for proposals included developing a law enforcement-specific survey of the community and law enforcement giving a picture of community relations. CPSM has partnered with the National Research Center to provided the additional component as specified in the request for proposals. This survey/analysis will assess perceptions of safety, gauge police resident interactions, rate quality of public services and identify public safety priorities. The basic service is included in the \$140,860. There are additional components from this survey/analysis that can be added for implementation, reporting and presentation if desired but have not been included in the \$140,860 amount see page 59 of the CPSM proposal.

**ALTERNATIVES**

City Council may:

- Award a professional services contract for the Analysis of Fire, EMS and Law Enforcement Services to the Center for Public Safety Management, LLC and National Research Center in the amount of \$140,860; or
- Do not award a professional services contract and provide direction to staff

## **FISCAL EFFECTS**

The consulting service was budgeted in FY21. The amount budgeted was \$150,000 and this contract is for \$140,860.

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## **Attachments**

RFP Analysis  
CPSM Proposal

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# **Request for Proposals (RFP)**

**For**

## **Analysis of Fire, EMS and Law Enforcement Services**



**Request For Proposals  
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**Section 1: General Information**

**Request For Proposals – ANALYSIS OF FIRE, EMS AND LAW ENFORCEMENT SERVICES**

THE ABOVE DESCRIPTION MUST APPEAR ON ALL PROPOSALS AND RELATED CORRESPONDENCE. **THIS IS NOT AN ORDER**

PROPOSALS MUST BE <u>RECEIVED</u> NO LATER THAN: <b>Monday, July 20, 2020 by 5:00 pm (MST)</b>	RFP INITIATIVE: <b>Analysis of Fire, EMS and Law Enforcement Services</b>	
<ul style="list-style-type: none"> <li>• All suppliers must respond in detail to each element of this RFP in order to be considered for contract award.</li> <li>• All proposals must be mailed or emailed to contact person at the address below.</li> <li>• No hand-delivered proposals will be accepted in order to prohibit the transmission of COVID-19.</li> <li>• If pricing has been requested, it must be in a separate sealed envelope or emailed under separate cover and “Mail Services RFP Confidential Pricing” as the subject line.</li> <li>• If proposal is mailed, pricing may be included in a sealed envelope; however,</li> <li>• If proposal is emailed, pricing must be mailed in a sealed envelope or emailed under separate cover and “Mail Services RFP Confidential Pricing” as the subject line.</li> <li>• If proposal is mailed, please also include or email an electronic version, minus pricing</li> </ul>		
SEND ALL CORRESPONDENCE TO THE CONTACT BELOW:		
<b>City Of Billings P.O. Box 1178 Billings, MT 59103</b>	<b>Or</b>	<b>City of Billings P.O. Box 1178 Billings, MT 59103</b>
<b>Kevin Iffland – Assistant City Administrator</b> <b>Email: <a href="mailto:ifflandk@billingsmt.gov">ifflandk@billingsmt.gov</a></b> <b>PHONE: (406) 657-8478</b> <b>FAX: (406) 657-8390</b>		



## **Section 2: Objectives**

### Introduction and Objectives

This RFP is issued by City of Billings for the purpose of obtaining information and pricing regarding an analysis of fire, EMS and law enforcement services. It is the intent of the City to review and assess the RFP responses to determine which proposal best meets the needs of the City.

Suppliers are expected to provide their best and most competitive proposal.

**Attachment F, the Intent to Respond form, must be completed and emailed or faxed at least two (2) days prior to the advertised RFP due date.**

## **Section 3: Information for Suppliers**

### Disclaimer

This RFP does not form or constitute a contractual document. The City of Billings shall not be liable for any loss, expense, damage or claim arising out of the advice given or not given or statements made or omitted to be made in connection with this RFP. The City also will not be responsible for any expenses which may be incurred in the preparation of this RFP. This RFP is not to be construed as a contract or commitment of any kind.

### Instructions to Proposers

#### EXAMINATION OF DOCUMENTS

Before submitting the proposals, the proposer shall:

- (a) Carefully examine the Standards and Specifications as well as all other attached documents;
- (b) Fully inform yourself of the existing conditions and limitations;
- (c) Include with the proposal sufficient information to cover all items required in the specifications.

#### PROPOSAL MODIFICATIONS

In addition to any other information and documentation requested in this RFP, any forms provided herein shall be included in the submitted proposal. Modifications, additions or changes to the terms and conditions of this request for proposals may be cause for rejection of the proposal. Proposals submitted without required forms may be rejected.



#### WITHDRAWAL OF PROPOSALS

Proposers may withdraw their proposal by written request at any time prior to the due date set for receiving proposals.

#### QUOTE VALID

The proposer must honor their quote for a period of ninety (90) days after the RFP due date.

#### CERTIFICATION

The proposer certifies that the proposal has been arrived at independently and has been submitted without any collusion designed to limit competition. The proposer further certifies that the materials, products, services and/or goods offered herein meet all requirements of the stated specifications and are equal in quality, value and performance with highest quality, nationally advertised brand and/or trade names.

#### INSURANCE REQUIREMENTS

**The proposer certifies that it/they can comply with the City of Billings insurance requirements of :**

- 1. Workers' compensation and employer's liability coverage as required by Montana law.**
- 2. Commercial general liability, including contractual and personal injury coverage's - \$750,000 per claim and \$1,500,000 per occurrence.**
- 3. Automobile liability -- \$1,500,000 per accident.**
- 4. Professional liability in the amount of \$1,500,000 per claim.**

**Each policy of insurance required by this Section shall provide for no less than 30 days' advance written notice to the CITY prior to cancellation.**

**The CITY shall be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies.**

**In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against the CITY.**

**CONSULTANT shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. CONSULTANT shall maintain workers' compensation insurance coverage for all members and employees of CONSULTANT's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.**

The successful proposer will be required to purchase a City business license and complete the new vendor forms in order to be eligible for payment.



## DISPOSITION OF PROPOSALS

All materials submitted in response to this RFP become public records under Article II, Section 9 of the Montana Constitution and §§ 2-6-102 and 7-1-4144, MCA and may be distributed by written request pursuant to Montana's Constitutional Right to Know or Public Records Acts.

Information provided in response to this RFP will be held in confidence and will not be revealed or discussed with competitors prior to award of Contract by Council. However, one copy of each proposal submitted shall be retained for the official files of the Department and will become public record after award of the Contract. Fee or Price schedules submitted, but not reviewed by the City, do not become a public record and shall only be retained for official files.

Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section.

The Consultant understands that, if selected, the City reserves the right to provide its opinion publicly and privately regarding the Consultant's performance.

## QUESTIONS

Questions regarding the Request for Proposals contents must be sent to the contact person listed in Section 1 no later than 2 business days prior to due date for proposals. The City Of Billings will make every effort to provide a written response within 2 business days. Whenever responses to inquiries would constitute a modification or addition to the original RFP, the reply will be made in the form of an addendum to the Request for Proposals, a copy of which will be posted on the City's website and forwarded to all Suppliers who have submitted an "Intent to Respond" form (Attachment F).

Supplier must submit their questions via email using the "Master Q & A" form found in **Attachment E**, and provide, at a minimum, the following:

- Supplier's name, requester, and appropriate contact information.
- The question, clearly stated.
- Specific reference to the applicable Request for Proposals section(s).

## RFP Response Submission

Upon the submission of the RFP response, the supplier acknowledges that all information is accurate and complete.

**All proposals must be mailed or emailed to contact person listed in Section 1.**

**No hand-delivered proposals will be accepted in order to prohibit the transmission of COVID-19.**

**If pricing has been requested, it must be in a separate sealed envelope or emailed under separate cover and "Mail Services RFP Confidential Pricing" as the subject line.**

- **If proposal is mailed, pricing may be included in a sealed envelope; however,**
- **If proposal is emailed, pricing must be mailed in a sealed envelope or emailed under separate cover and "Mail Services RFP Confidential Pricing" as the subject line.**

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



If proposal is mailed, please also include or email an electronic version, minus pricing, of your proposal.

<u>RFP Process Timeline</u>	<u>Dates</u>
RFP/legal ad done:	June 29, 2020
Advertise:	July 3 & 10, 2020
Preliminary Council memo due:	July 23, 2020
Proposals must be <u>received</u> by 5:00PM:	July 20, 2020
Evaluate and choose:	July 22, 2020
Finalized Council memo and contract due:	July 30, 2020
Council meeting:	August 10, 2020

## **Section 4: RFP Evaluation and Selection Processes**

### Initial Evaluation

Proposals received will undergo an initial review to determine:

- Compliance with instructions stated in the RFP
- Compliance with proposal submittal date

### Phase II Evaluation

The evaluation of supplier's proposals may include, but is not limited to, the following criteria:

- Experience of Supplier with services required by the City of Billings
- Capacity to assume new business
- Perceived ability to meet the City of Billings requirements
- Total Cost Competitiveness
- Availability (timetable) for providing goods and/or services
- Breadth of services available
- Company's financial stability
- Ongoing support
- Reporting capability
- Quality Control Process
- Process Improvements
- Training
- Compliance with the City of Billings Terms and Conditions
- Price

The City reserves the right to conduct interviews with all or some of the Proposers at any point during the evaluation process. However, the City may determine that interviews are not necessary. In the event interviews are conducted, information provided during the interview process shall be taken into consideration when evaluating firms using the above-stated criteria.

The City also reserves the right to make such additional investigation as it deems necessary to establish the competence and financial stability of any firm submitting a proposal.



## **Section 5: Scope of Work**

Below is a general outline of the anticipated scope of work. However, the final scope of work will be negotiated with the successful proposer.

### Summary

In general, an analysis would involve the following major outcomes:

- Conduct a data-driven forensic analysis to identify actual workload. This forms the basis for determining what is driving overtime, workloads, and service demands;
- Identify and recommend appropriate staffing and deployment levels for every discrete operational and support function in the department;
- Examine the department's organizational structure and culture;
- Perform gap analysis, comparing the "as is" state of the department to the industry's best practices;
- Recommend a management framework to ensure accountability, increased efficiency and improved performance;
- Determine staffing analysis using workload and performance for fire, EMS, and police departments;
- Develop a law enforcement-specific survey of the community and law enforcement giving a picture of community relations.



## ATTACHMENT A

### VALIDATION QUESTIONS FOR SUPPLIER

#### GENERAL INFORMATION

- 1) Company Name  
Address:  
Contact Name:  
Contact Phone:  
Contact Email:  
Website/URL:
- 2) How many facilities/locations do you have in the U.S? Please list.
- 3) How many years has your company been doing business under this name?
- 4) Total Full-Time Employees.
- 5) Do you have Small Business Administration Status? If yes, can you provide documentation?
- 6) What are your standard payment terms?
- 7) References - Please attach a Word<sup>®</sup> document with all contact information for at least the following three references:
  - a) New Company (started doing business with them in the past 12 months)
  - b) Retained Company (have been doing business with them for 3 + years)
  - c) Former Company (contract terminated in the past 2 years)
- 8) Can you provide a statement and meet the City of Billings minimum insurance requirements of \$750,000 per claim and \$1,500,000 per occurrence, and the City being named as an additional insured?

#### FUNCTIONALITY

- 1) A certificate of insurance must be provided prior to signing the contract, commencing on the day contract begins. Are you willing to comply with these requirements?
- 2) You must instruct your insurance broker/carrier to notify the City of Billings should your coverage change. Are you willing to do this?
- 3) The successful proposer will be required to purchase a City business license and complete the new vendor forms in order to be eligible for payment. Are you willing to do this?

#### QUALITY AND SERVICE

- 1) Do you have a quality assurance program? If yes, please attach a copy.
- 2) Are your employees required to take a mandatory drug test?

#### LEGAL ISSUES

- 1) Are there any pending lawsuits against your company? If yes, please explain.



## ATTACHMENT B

### SAMPLE CONTRACT

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the **CITY OF BILLINGS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 1178, Billings, Montana 59103, hereinafter referred to as "**CITY**," and \_\_\_\_\_, of \_\_\_\_\_, hereinafter referred to as "**CONSULTANT**."

**WHEREAS**, the **CITY** proposes to \_\_\_\_\_ and desires to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit "A" and by this reference made a part hereof.

**WHEREAS**, the **CITY** has authority to contract for such services, and;

**WHEREAS**, the **CONSULTANT** represents that he/she is fully qualified to perform such services personally and is in compliance with the Montana Statutes relating to the provisions of such services.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **PURPOSE:** **CITY** agrees to hire **CONSULTANT** as an independent contractor to perform the services as described in the Scope of Work attached hereto as Exhibit "A" and by this reference made a part hereof. In performing these services, the **CONSULTANT** shall at all times comply with all federal, state and local statutes, rules and ordinances applicable. These services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance.

2. **TERM:** This **AGREEMENT** shall be for a period of \_\_\_\_\_ years, from the execution of this **AGREEMENT**. This **AGREEMENT** may be extended for \_\_\_\_\_ one year options by mutual agreement of both parties, in writing, thirty (30) days prior to termination of each term.

3. **PAYMENT:** In consideration of the services provided by the **CONSULTANT** under this **AGREEMENT**, the **CITY** agrees to pay **CONSULTANT** a price not to exceed \$\_\_\_\_\_.

Except as otherwise specified herein, the **CONSULTANT** shall invoice the **CITY** monthly (or on such other basis as the Parties may mutually determine) for all services rendered pursuant to this **AGREEMENT**. Such invoices shall specify the services provided to the **CITY** during the preceding month and identify the applicable fees, and shall be accompanied by reasonable documentation or other reasonable explanations supporting such charges.

Except as otherwise specified herein, the **CITY** shall pay, net of applicable withholding tax, if any, the **CONSULTANT** for said invoice within thirty (30) days after receipt.

In the event scope of work issues arise, the **CONSULTANT** shall immediately discuss them with the Project Manager for the **CITY**. It is understood that the **CONSULTANT** will not perform any work that the **CITY** deems outside the scope prior to receiving written approval from the **CITY**, and at a rate agreed upon by both parties. Any payment for work not agreed upon by the **CITY** shall be denied.

4. **INDEPENDENT CONTRACTOR STATUS:** The parties agree that **CONSULTANT** is an independent contractor for purposes of this **AGREEMENT** and is not to be considered an employee of the **CITY** for any purpose. **CONSULTANT** is not subject to the terms and provisions of the **CITY's** personnel policies handbook and may not be considered a **CITY** employee for workers' compensation or any other purpose. **CONSULTANT** is not authorized to represent the **CITY** or otherwise bind the **CITY** in any dealings between **CONSULTANT** and any third parties.

5. **INDEMNITY AND INSURANCE:**

- A. The **CONSULTANT** agrees to indemnify, defend and save **CITY**, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of **CONSULTANT** or its agents or employees.
- B. The **CONSULTANT** shall not indemnify, defend, save and hold the **CITY** harmless from claims, causes of action, law suits, damages, judgments, liabilities, and litigation costs and expenses or attorneys' fees and costs arising from wrongful or negligent acts, error or omission solely of the **CITY** occurring during the course of or as a result of the performance of the **AGREEMENT**.

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



- C. Where claims, law suits or liability, including attorneys' fees and costs arise from wrongful or negligent act of both the **CITY** and the **CONSULTANT**, the **CONSULTANT** shall indemnify, defend, save, and hold the **CITY** harmless from only that portion of claims, causes of action, law suits, damages, judgments, liabilities, and litigation costs and expenses including attorneys' fees and costs, which result from the **CONSULTANT'S** or any subcontractor's wrongful or negligent acts occurring as a result from the **CONSULTANT'S** performance pursuant to this **AGREEMENT**.
- D. The **CONSULTANT** shall maintain in good standing the insurance described in this Section. Before rendering any services under this **AGREEMENT**, the **CONSULTANT** shall furnish the **CITY** with proof of insurance in accordance with this Section.

The **CONSULTANT** shall provide the following insurance:

- 1. Workers' compensation and employer's liability coverage as required by Montana law.
- 2. Commercial general liability, including contractual and personal injury coverage's -- \$750,000 per claim and \$1,500,000 per occurrence.
- 3. Automobile liability -- \$1,500,000 per accident.
- 4. Professional liability in the amount of \$1,500,000 per claim.

Each policy of insurance required by this Section shall provide for no less than 30 days' advance written notice to the **CITY** prior to cancellation.

The **CITY** shall be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies.

In addition, all policies except Professional Liability and Worker's Compensation shall contain a waiver of subrogation against the **CITY**.

**CONSULTANT** shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. **CONSULTANT** shall maintain workers' compensation insurance coverage for all members and employees of **CONSULTANT'S** business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.

**CONSULTANT** shall furnish **CITY** with copies showing one of the following: (1) proof of registration as a registered contractor under Title 39, Chapter 9, MCA; (2) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (3) proof of exemption from workers' compensation granted by law for independent contractors.

6. **AGREEMENTS OF CONSULTANT:** As an inducement to the execution of this **AGREEMENT** by the **CITY** and in consideration of the agreements to be performed by the **CITY**, the **CONSULTANT** agrees that:

A. Qualifications

The **CONSULTANT** is qualified to perform the services to be furnished under this **AGREEMENT** and is permitted by law to perform such services, and all personnel engaged in the work shall be qualified and so permitted to do the work they perform.

B. Solicitation of Agreement

The **CONSULTANT** has not employed any person to solicit this **AGREEMENT** and has not made, and will not make, any payment or any agreement for the payment of any commission, percentage, brokerage, contingent fee, or other compensation in connection with the procurement of this **AGREEMENT**.

C. Facilities and Personnel

The **CONSULTANT** has and will continue to have proper facilities and personnel to perform the services and work agreed to be performed.

D. Subcontracting

None of the work or services covered by this **AGREEMENT** shall be subcontracted without the prior approval of the **CITY**.

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



E. Affidavits of Compliance

The **CONSULTANT** will, if requested by the **CITY**, furnish the **CITY** affidavits certifying compliance with the provisions of this Section.

7. **AGREEMENTS OF CITY:**

- A. To furnish all labor, materials, equipment, supplies, and incidentals necessary to conduct and complete the **CITY'S** portion of the project as designated in the scope of work.
- B. Name a Project Manager who shall be the liaison between the **CONSULTANT** and the **CITY**. For this project, the Project Manager for **CONSULTANT** designated is \_\_\_\_\_ and the Project Manager for the **CITY** designated is \_\_\_\_\_.

8. **NONDISCRIMINATION:**

- A. The **CONSULTANT** will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, or marital status or who is a "qualified individual with a disability" (as that phrase is defined in the Americans With Disabilities Act of 1990). The **CONSULTANT** will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, or mental or physical impairment/disability. Such action shall include, without limitation, employment, upgrading, demotion or transfer, recruitment or recruiting advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The **CONSULTANT** agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

- B. The **CONSULTANT** shall state, in all solicitations or advertisements for employees to work on jobs, that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex or marital status, or mental or physical impairment/disability.

The **CONSULTANT** and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a) and 41 CFR 60-741.5(a), which prohibit discrimination against qualified protected veterans and/or qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans and individuals with disabilities.

- C. The **CONSULTANT** shall comply with any and all reporting requirements that may apply to it that the **CITY** may establish by regulation.
- D. The **CONSULTANT** shall include the provisions of Subsections A through C of this Section in every subcontract or purchase order under this **AGREEMENT**, so as to be binding upon every such subcontractor or vendor of the **CONSULTANT** under this **AGREEMENT**.
- E. The **CONSULTANT** shall comply with all applicable federal, state, and city laws concerning the prohibition of discrimination.

9. **PERMITS, LAWS, AND TAXES:** The **CONSULTANT** shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to its performance under this **AGREEMENT**. All actions taken by the **CONSULTANT** under this **AGREEMENT** shall comply with all applicable statutes, ordinances, rules and regulations. The **CONSULTANT** shall pay all taxes pertaining to its performance under this **AGREEMENT**.

10. **NONWAIVER:** The failure of either party at any time to enforce a provision of this **AGREEMENT** shall in no way constitute a waiver of the provision, nor in any way affect the validity of this **AGREEMENT** or any part hereof, or the right of such party thereafter to enforce each and every provision hereof.

11. **CONFLICT OF INTEREST:** **CONSULTANT** shall exercise reasonable care and diligence to prevent any actions or conditions which could result in a conflict with **CITY'S** interest. During the term of this Agreement, **CONSULTANT** shall not accept any employment or engage in any consulting work which creates a conflict of interest with **CITY** or in any way compromises the services to be performed under

this Agreement. **CONSULTANT** shall immediately notify **CITY** of any and all violations of this Section upon becoming aware of such violation.

12. **SUCCESSORS AND ASSIGNS:** This **AGREEMENT** and all of the covenants hereof shall inure to the benefit of and be binding upon the **CITY** and the **CONSULTANT** respectively and his partners, successors, assigns, and legal representatives. Neither the **CITY** nor the **CONSULTANT** shall have the right to assign, transfer, or sublet his interest or obligations hereunder without written consent of the other party.
13. **CHANGES IN WORK:** Any change in the scope of **CONSULTANT'S** services as stated in this **AGREEMENT** for whatever reason, will be negotiated between the **CITY** and the **CONSULTANT** and an amendment to this **AGREEMENT** will be issued with the appropriate change of services and **AGREEMENT** fee noted.
14. **LEGAL RELATIONS:** The **CONSULTANT** shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done.
15. **TERMINATION OF AGREEMENT:** The right is reserved by the **CITY** to terminate this **AGREEMENT** at any time upon not less than thirty (30) days written notice to the **CONSULTANT**.  
  
In the event the **CITY** terminates this **AGREEMENT**, the **CONSULTANT** shall be paid for the amount of work performed or services rendered to date of termination per the **AGREEMENT** fee.
16. **ENDORSEMENTS:** The **CONSULTANT** shall furnish signatures, statements, or other suitable means to signify responsible endorsement of work on all reports furnished by him.
17. **OWNERSHIP OF DOCUMENTS:** All information relating to the project and prepared under the terms of this **AGREEMENT**, including reports, data, recommendations, exhibits, analyses, and plans shall be deemed the property of the **CITY**. Reproducibles of all notes, reports, and plans shall be made available at the **CITY'S** request.
18. **PUBLIC INFORMATION:** The **CONSULTANT** shall not issue any statements, releases, or information for public dissemination without prior written approval of the **CITY**. All materials related to this **AGREEMENT** and services provided are considered public records under Article II, Section 9 of the Montana Constitution and §§ 2-6-102 and 7-1-4144, MCA and may be distributed by written request pursuant to Montana's Constitutional Right to Know or Public Records Acts.
19. **PROPRIETARY RIGHTS:** If patentable discoveries or inventions should result from work required herein, all rights accruing from such discoveries or inventions shall be the property of the **CITY**.
20. **RECORDS:** The **CONSULTANT** shall maintain accounting records and other evidence pertaining to the cost incurred and to make the records available at all times during the **AGREEMENT** term and for three (3) years from the date of final payment. Such accounting records and other evidence pertaining to the cost incurred will be made available for inspections authorized by the **CITY** and copies thereof shall be furnished if requested.
21. **ATTORNEY'S FEES AND COSTS:** That in the event it becomes necessary for either Party to this **AGREEMENT** to retain an attorney to enforce any of the terms or conditions of the **AGREEMENT** or to give any notice required herein, then the prevailing Party or the Party giving notice shall be entitled to reasonable attorney's fees and costs.
22. **LITIGATION LOCATION:** The parties agree that this **AGREEMENT** shall be governed in all respects by the laws of the state of Montana, and the parties expressly agree that venue shall be in the Montana Thirteenth Judicial District County for Yellowstone County and there shall be no other venue for resolution of disputes arising from the **AGREEMENT** or the performance of its terms.
23. **MODIFICATION AND AMENDMENTS:** That any amendment or modification of this **AGREEMENT** or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this **AGREEMENT**.

**IN WITNESS WHEREOF,** the parties hereto have executed this instrument the day and year first above written.



**ATTACHMENT C**

**PRICE MATRIX**

**(to be sent with proposal in a separate, sealed envelope)**

<b>Project Name</b>	<b>Price</b>
Law Enforcement:	\$
Fire and EMS:	\$
Travel and incidentals:	\$
Other (please describe):	\$

**I/We acknowledge \_\_\_\_\_ addendum.**

**#**

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature of Contact Position

**By signing the above, I certify that I am authorized by the Company named above to respond to this request.**



**ATTACHMENT D**

**CONDITIONS AND NON-COLLUSION FORM**

To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to the Standard Terms and Conditions contained on the attached.

We further agree to furnish the services specified at the prices stated herein, to be delivered to the location and on that date set forth herein.

In signing this proposal, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the due date and time to any other proposer or competitor; that the above statement is accurate under penalty of perjury.

\_\_\_\_\_  
Legal Name of Firm/Corporation

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number



**ATTACHMENT E**

**MASTER Q & A FORM**

**PROJECT: Analysis of Fire, EMS and Law Enforcement Services**

<b>Master Q&amp;A</b>	Any questions regarding this Request for Proposals should be submitted according to the process outlined below . The City will make every effort to answer within two (2) days of receiving the questions.
<b>Q&amp;A Process</b>	<ol style="list-style-type: none"> <li>1. Prepare questions or concerns on the template provided.</li> <li>2. Complete the table in full, providing a date for each question and a section of the RFP to reference (if applicable).</li> <li>3. Submit the completed form via email to Kevin Iffland: <a href="mailto:ifflandk@billingsmt.gov">ifflandk@billingsmt.gov</a>. Attach associated documents as necessary.</li> </ol> <p>Please contact Kevin Iffland: <a href="mailto:ifflandk@billingsmt.gov">ifflandk@billingsmt.gov</a>, with any questions regarding this process.</p>

**Questions from:** \_\_\_\_\_ **Company:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

#	Date	Reference Section	Question or Comment	City Response
1				
2				
3				
4				



ATTACHMENT F

INTENT TO RESPOND FORM

RFP: Analysis of Fire, EMS and Law Enforcement Services
Dated \_\_\_\_\_

Fax or email the following Intent to Respond form to within two (2) days of RFP date even if your company chooses NOT to participate in the RFP.

To: City of Billings
Attn: Kevin Iffland – Assistant City Administrator
Fax: 406-657-8478
Email: ifflandk@billingsmt.gov

From: \_\_\_\_\_ Contact Name
\_\_\_\_\_ Company Name
\_\_\_\_\_ Company Address
\_\_\_\_\_
\_\_\_\_\_ Phone Number
\_\_\_\_\_ Fax Number
\_\_\_\_\_ Email Address

We intend to respond to this RFP by the specified due date:

Yes \_\_\_\_\_ No \_\_\_\_\_

Company Name \_\_\_\_\_ Date \_\_\_\_\_

Contact Name (please print) \_\_\_\_\_ Title \_\_\_\_\_

Signature of Contact Person \_\_\_\_\_

By signing the above, I certify that I am authorized by the Company named above to respond to this request.



**ATTACHMENT G**

**PROPOSER CONTACT INFORMATION**

***A. Company Contacts***

Primary Contact Person (Name):	
Title/Function:	
Address	
Business Hours Phone:	
Fax:	
Internet E-mail Address:	
Name of Person Responding to Request:	
Title/Function:	
Address:	
Phone:	
Fax:	
Internet E-mail Address:	

***B. General Company and Financial Information***

Company Name:	
Headquarters Address:	
City, State, ZIP	
Headquarters Phone:	
Headquarters FAX:	
Company Owned By:	
Percent % Ownership:	
Years In Business	
Name of CIO	
Name of CEO/President:	

## PROPOSAL FOR

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# Analysis of Fire, EMS and Law Enforcement Services, RFP No. 20-24

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City of Billings, Montana

June 20, 2020, 5:00 pm MST

### Volume I: Technical



# CPSM<sup>®</sup>

CENTER FOR PUBLIC SAFETY MANAGEMENT, LLC  
475 K STREET NW STE 702 • WASHINGTON, DC 20001  
WWW.CPSM.US • 800-998-3392

## ICMA

Exclusive Provider of Public Safety Technical Services for International City/County Management Association

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July 20, 2020

Kevin Iffland – Assistant City Administrator  
City of Billings  
P.O. Box 1178  
Billings, MT 59103

Dear Mr. Iffland:

### **Proposal to Provide Analysis of Fire, EMS, and Law Enforcement Services**

The Center for Public Safety Management, LLC (CPSM), the exclusive provider of public safety technical assistance for the International City/County Management Association (ICMA), is pleased to submit this proposal in response to the City of Billings request for proposal for Analysis of Fire, EMS, and Law Enforcement Services. Our proposal provides all of the information required by the RFP.

CPSM’s local government technical assistance experience includes comprehensive evaluation and analysis of fire, rescue, emergency medical services, and police using our unique methodology and industry subject matter expertise. Depending on our client’s specific needs we may examine such aspects as department organizational structure and culture, identify workload and staffing needs, and align department operations with industry best practices. We have conducted more than 329 such studies in 44 states and provinces and 264 communities ranging in population from 8,000 (Boone, Iowa) to 800,000 (Indianapolis, Indiana).

### **The CPSM Approach**

CPSM offers a unique and more comprehensive approach than ordinary accreditation or competitor studies. In general, our analysis involves the following major tasks:

- Conducting a data-driven forensic analysis to identify actual workload;
- Identifying and recommending appropriate staffing and deployment levels for every discrete departmental operational and support function;
- Examining the department’s organizational structure and culture;
- Performing a gap analysis, comparing the “as-is” state of the department to industry best practices and standards;
- Recommending a management framework to ensure accountability, increased efficiency, and improved performance.

Kevin Iffland – Assistant City Administrator

Page 2 of 2

July 20, 2002

This proposal is specifically designed to provide the City of Billings with a thorough and unbiased Analysis of Fire, EMS and Law Enforcement Services. We offer a unique approach developed by combining the experience of dozens of subject matter experts in fire, rescue, EMS, and police department operations. Our team comprises true industry subject matter experts, not research assistants, interns, or generic management consultants. Therefore, our operational assessments reflect lessons learned from the hands-on fire, rescue, EMS, and police department experience of our leading industry experts.

Our project team has been selected specifically for the City of Billings project and offers hundreds of years of practical experience managing fire, rescue, EMS, and police department departments; a record of research, academic, teaching and training, and professional publications; and extensive consulting experience completing hundreds of similar studies nationwide. Our subject matter experts offer experience in small, large, volunteer, combination, and career fire departments and small, medium, and large police departments.

My colleagues at CPSM and I greatly appreciate this opportunity and would be pleased to address any comments you may have. You may contact me at 616.813.3782 or via email at [twieczorek@cpsm.us](mailto:twieczorek@cpsm.us).

Sincerely,



Thomas Wieczorek

Director, Center for Public Safety Management, LLC

## 1. Validation Questions

### 1.1. General Information

1) Company Name	Center for Public Safety Management, LLC (CPSM)
Address:	475 K Street NW, Suite 702 Washington, DC 20001
Contact Name:	Thomas Wieczorek, Director
Contact Phone:	(800) 998-3392
Contact Email:	twieczorek@cpsm.us
Website/URL:	www.cpsm.us
2) How many facilities/locations do you have in the U.S? Please list.	Corporate office in Washington DC with Quantitative Analysis Unit based in West Orange, NJ and staff nationwide.
3) How many years has your company been doing business under this name?	Six years as CPSM, eight years prior as ICMA
4) Total Full-Time Employees:	Six full-time
5) Do you have Small Business Administration Status? If yes, can you provide documentation?	No
6) What are your standard payment terms?	40% upon contract signing; 40% with delivery of the draft data analysis; and 20% with delivery of the draft final report

- 7) *References - Please attach a Word© document with all contact information for at least the following three references:*
- a) *New Company (started doing business with them in the past 12 months)*
  - b) *Retained Company (have been doing business with them for 3 + years)*
  - c) *Former Company (contract terminated in the past 2 years)*

**Table 1. References**

Client/Project	Point of Contact Information	Project Duration
<b>College Station, TX</b> <b>Comprehensive Analysis of Fire Services</b>	Jeffrey Capps, Assistant City Manager <a href="mailto:jcapps@cstx.gov">jcapps@cstx.gov</a> (979) 764-3419	February – December 2019
<b>Sugar Land, TX</b> <b>Fire Operational and Administrative Analysis Report</b>	Mike Goodrum, City Manager <a href="mailto:citymgr@sugarlandtx.gov">citymgr@sugarlandtx.gov</a> (281) 275-2700	May – November 2016
<b>Wauwatosa, WI</b> <b>Comprehensive Analysis of Fire/EMS Services</b>	Jim Archambo, City Manager <a href="mailto:jarchambo@wauwatosa.net">jarchambo@wauwatosa.net</a> (414) 479-8915	February – October 2010

8) *Can you provide a statement and meet the City of Billings minimum insurance requirements of \$750,000 per claim and \$1,500,000 per occurrence, and the City being named as an additional insured?*

Figure 1 provides evidence of CPSM's insurance coverage. If selected for contract award, CPSM will name the City as an additional insured on its policy.



CENTFOR-04

MRAY

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
7/6/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Clements Worldwide 1301 K St. NW Suite 1200 West Washington, DC 20005	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): (202) 872-0060      FAX (A/C, No): E-MAIL ADDRESS: Info@Clements.com														
<b>INSURED</b> Center for Public Safety Manag Leonard A. Matarese 475 K Street, NW, Suite 702 Washington, DC 20001	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A: Lloyds of London</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Lloyds of London		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
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INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
<b>A</b>	<b>COMMERCIAL GENERAL LIABILITY</b> <input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PSI0617487168	5/5/2020	5/5/2021	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td style="text-align: right;">\$ 2,000,000</td></tr> <tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td style="text-align: right;">\$ 2,000,000</td></tr> <tr><td>MED EXP (Any one person)</td><td style="text-align: right;">\$ 5,000</td></tr> <tr><td>PERSONAL &amp; ADV INJURY</td><td style="text-align: right;">\$ 2,000,000</td></tr> <tr><td>GENERAL AGGREGATE</td><td style="text-align: right;">\$ 4,000,000</td></tr> <tr><td>PRODUCTS - COMP/OP AGG</td><td style="text-align: right;">\$ 2,000,000</td></tr> <tr><td></td><td style="text-align: right;">\$</td></tr> </table>	EACH OCCURRENCE	\$ 2,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 2,000,000	MED EXP (Any one person)	\$ 5,000	PERSONAL & ADV INJURY	\$ 2,000,000	GENERAL AGGREGATE	\$ 4,000,000	PRODUCTS - COMP/OP AGG	\$ 2,000,000		\$
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MED EXP (Any one person)	\$ 5,000																				
PERSONAL & ADV INJURY	\$ 2,000,000																				
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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 Proof of Coverage

<b>CERTIFICATE HOLDER</b>  Proof of Coverage	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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ACORD 25 (2016/03)

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**Figure 1. Evidence of Coverage**

## 1.2. Functionality

- 1) *A certificate of insurance must be provided prior to signing the contract, commencing on the day contract begins. Are you willing to comply with these requirements?*

CPSM is insured and will provide the City with a certificate of insurance prior to signing the contract, commencing on the day the contract begins and is willing to comply with all insurance requirements.

- 2) *You must instruct your insurance broker/carrier to notify the City of Billings should your coverage change. Are you willing to do this?*

CPSM will instruct our insurance broker to notify the City of Billings if our coverage changes during the term of our contract.

- 3) *The successful proposer will be required to purchase a City business license and complete the new vendor forms in order to be eligible for payment. Are you willing to do this?*

If selected for award, CPSM will purchase a City business license and will complete new vendor forms in order to be eligible for payment.

## 1.3. Quality and Service

- 1) *Do you have a quality assurance program? If yes, please attach a copy.*

No

- 2) *Are your employees required to take a mandatory drug test?*

No

## 1.4. Legal Issues

- 1) *Are there any pending lawsuits against your company? If yes, please explain.*

CPSM does not have any pending lawsuits against the company.

## 1.5. Compliance with Terms and Conditions

CPSM will comply with the City of Billings' terms and conditions.

## 1.6. Financial Stability

CPSM began in 2014, but its managing partners have been in the same business since 2008 within ICMA before branching off and becoming their own company. The company is financially stable, fully capable of meeting its financial obligations. The company has completed all of its projects within the established budget and schedule.

## 2. CPSM Overview

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### 2.1. Background

**International City/County Management Association (ICMA).** The ICMA is a 104-year old, nonprofit professional association of local government administrators and managers, with approximately 13,000 members located in 32 countries.

Since its inception in 1914, ICMA has been dedicated to assisting local governments and their managers in providing services to its citizens in an efficient and effective manner. ICMA advances the knowledge of local government best practices with its website ([www.icma.org](http://www.icma.org)), publications, research, professional development, and membership. The ICMA Center for Public Safety Management was launched by ICMA to provide support to local governments in the areas of police, fire, and emergency medical services. ICMA also represents local governments at the federal level and has been involved in numerous projects with the Department of Justice and the Department of Homeland Security.

**Center for Public Safety Management, LLC (CPSM).** In 2014, as part of a restructuring at ICMA, CPSM was spun out as a separate company. It is now the exclusive provider of public safety technical assistance for ICMA. CPSM provides training and research for the Association's members and represents ICMA in its dealings with the federal government and other public safety professional associations such as CALEA, PERF, IACP, IFCA, IPMA-HR, DOJ, BJA, COPS, NFPA, and others. CPSM maintains the same team of individuals performing the same level of service as when it was a component of ICMA.

CPSM is headquartered in Washington DC with our Quantitative Analysis Unit based in West Orange, NJ and staff nationwide.

### 2.2. Areas of Specialty and Breadth of Services Available

CPSM specializes in the comprehensive evaluation and analysis of fire, rescue, police, and emergency medical services using its unique methodology and industry subject matter expertise. Depending on our client's specific needs we examine such aspects as department organizational structure and culture, identify workload and staffing needs, and align department operations with industry best practices.

Services provided include:

- Police Technical Assistance
- Fire Technical Assistance
- EMS Technical Assistance
- Strategic Planning
- Fire Station Location Analysis
- Training and Education
- Chief Selection Advantage

CPSM utilizes current and former police, fire, and EMS chief officers who have served as practitioners, line officers, and middle managers. Each of our subject matter experts has more than 10 years of experience in representing public entities in matters involving police, fire, and EMS departments. When conducting an agency analysis, CPSM combines a forensic response workload analysis with an operational analysis. This dual analysis is designed to provide the client with an unbiased review of the department that includes considerations and recommendations to improve the effectiveness of agency operations with a focus on efficiencies.

### 3. The CPSM Approach — Reflecting the Times and Community

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The City of Billings is seeking a qualified consultant to perform an analysis of its Fire, EMS, and Law Enforcement Services. We understand that the City's anticipated scope of work will involve the following:

- Data-driven forensic analysis to identify actual workload to determine what is driving overtime, workloads, and service demands;
- Identification and recommendation of appropriate staffing and deployment levels for every discrete operational and support function in the department;
- Examination of the department's organizational structure and culture;
- Gap analysis, comparing the "as-is" state of the department to the industry's best practices;
- Recommendation for a management framework to ensure accountability, increased efficiency and improved performance;
- Staffing analysis using workload and performance for fire, EMS, and police departments;
- Law enforcement-specific survey of the community and law enforcement giving a picture of community relations.

More than 40 years of research, development, and design has been incorporated into the unique process that is exclusive to CPSM's Police, Fire, and EMS studies. Operation research initiatives that have helped guide major initiatives were developed and evaluated by CPSM to create the core focus of our work. Now, with the signing of a Memorandum of Understanding, CPSM is able to bring to the process an opportunity for the COMMUNITY to engage in the process of re-envisioning service delivery.

CPSM's trademarked evaluation process began using ICMA's Center for Performance Measurement processes that evolved in the 1980's in response to increasing costs and quality service demands. That work led to the creation of the Commission on Fire Accreditation International (CFAI) by ICMA and the International Association of Fire Chiefs. Today, more than 285 fire departments have used the model, core competencies, and data to reach the accredited stage.

Those processes and practices were also used to create a comprehensive police workload analysis that was recognized by the COPS office and IACP as the way to deploy. Rather than focusing on calls for service, which is a linear approach, using raw data from the Computer Aided Dispatch System, a process was created by the CPSM team to categorize and quantify the time that would be required to perform the workload demanded of the department. Subsequent analysis and study resulted in a white paper that has been embraced by CALEA, IACP, and PERF, which said 60 percent of the deployed force should be patrol-focused and 60 percent of the available time should be encumbered. The remaining 40 percent of time should be maintained for Community-oriented and focused activity as well as administration.

CPSM began assembling a team of experts who are not only academics but also practitioners in police, fire, EMS, and dispatch. Those experts represent agencies large and small and have extensive backgrounds in policing, firefighting, management, and research. Their experience and analyses are drawn from around the world and represent truly best practices.

As we enter a "perfect storm" for communities that includes response to a pandemic, social upheaval, budgetary constraints, and rapidly changing practices, CPSM has expanded how it will coordinate the

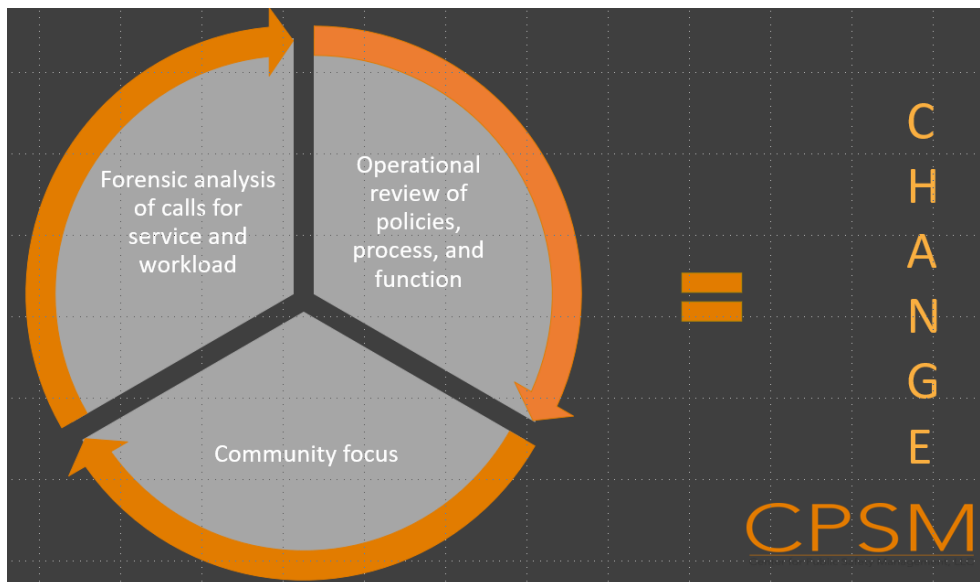
findings of the forensic workload analysis, operational review of policies, process and function with what a COMMUNITY expects. The effort with the National Research Council (NRC) has led to the creation of a National Police Services Survey — the only one like it in the United States. The NRC and its National Citizens Survey (NCS) have been used across the country for decades. This partnership now brings the power and dynamics of the NCS down to neighborhood levels. It allows communities to engage citizens and find out how they think as well as what they expect of police. The survey allows an analysis to the neighborhood level, which can be critical in larger cities with diverse populations and constituencies.

CPSM and the NPSS will provide the community with a world-class view on how it deploys policing resources. Except for the NPSS, the same approaches are used for dispatch, fire, and EMS in communities. Our EMS team is constantly evaluating and reviewing changes taking place in billing, financing, and deployment to produce a report unlike any other available.

We continue to evaluate our practices and procedures to minimize the risk of exposure to our experts as well as your team. Many of the routine interviews can be conducted via web software, thus eliminating the opportunity to transmit the virus. However, we still rely on in-person meetings with your police, fire and EMS teams in order to determine the culture and operational perspectives of the organization.

We begin projects with a request for data, documents and worksheets. If desired, this can be matched with a comprehensive citizen survey.

At the same time, we would launch the National Research Council for the National Policing Services Survey (NPSS) that can assist a community with a comprehensive and validated, community-focused police component. Our standard approach has been validated, but the addition of the citizen survey connects what the COMMUNITY thinks and compares that input to how the DEPARTMENT is operating. More information on the National Police Service Survey can be found in the Appendix.



**Figure 2. CPSM's Assessment Process Yields Recommendations for Positive Changes.**

Next, we extract raw data on calls for service from an agency's computer-aided dispatch system. The data are sorted and analyzed to identify performance indicators (i.e., response times, workload by time, multiple unit dispatching, etc.) for comparison to industry benchmarks. Performance indicators are valuable measures of agency efficiency and effectiveness. The findings are shown in tabular as well as

graphic form and follow a standard format for presentation of the analyzed data. While the format will be similar from community to community, the data reported are unique to the specific agency.

CPSM also conducts an on-site operational review. Here the performance indicators serve as the basis for the operational reviews. Prior to any on-site review, agencies are asked to compile several key operational documents (i.e., policies and procedures, assets lists, etc.). Most on-site reviews consist of interviews with management and supervisors, as well as rank and file officers; attendance at roll calls and ride-alongs with officers. We review case files with investigators and observe dispatch operations to assess compliance with the provided written documentation.

As a result of on-site visits and data assessments, our subject matter experts produce a SWOT analysis (strengths, weaknesses, opportunities and threats) of the department. We have found that this standardized approach ensures that we measure and observe all of the critical components of agencies.

Additionally, this methodology can be integrated with ongoing support customized to the unique needs of your community. Strategic planning, risk assessment, and training services are also available to assist with the implementation of CPSM recommendations and developing new processes and programs that may arise as implementation evolves.

### **3.1. The CPSM Approach — Law Enforcement**

The following information describes the CPSM approach to studying, understanding, evaluating, and reporting on police departments around the country. Although no two police departments are the same, a standardized approach to department evaluation ensures a rigorous and methodological process that permits benchmarking, comparing, and assessing within the context of the best practices of American law enforcement. However, each locality has unique characteristics that present policing challenges. Integrating a standardized approach within the context of local variability permits an accurate assessment of the organization in its political environment, and further permits CPSM to offer recommendations that comport with the best practices in policing, customized for the client community.

#### **3.1.1. Benchmark the Community**

It is essential to understand the service levels, protection needs, community dynamics, and overall environment within which the police department operates. If necessary, the CPSM study may involve interviews directed at stakeholders in the community, which could include elected officials and employee labor representatives who would be contacted to solicit their opinions about the department, the public safety needs of their constituency, and the perceived gaps in service levels currently provided. CPSM may work with the agency to identify community members that can provide this important information. Additionally, the department will be compared to organizations of similar size with respect to crime, demographics, and cost-efficiency.

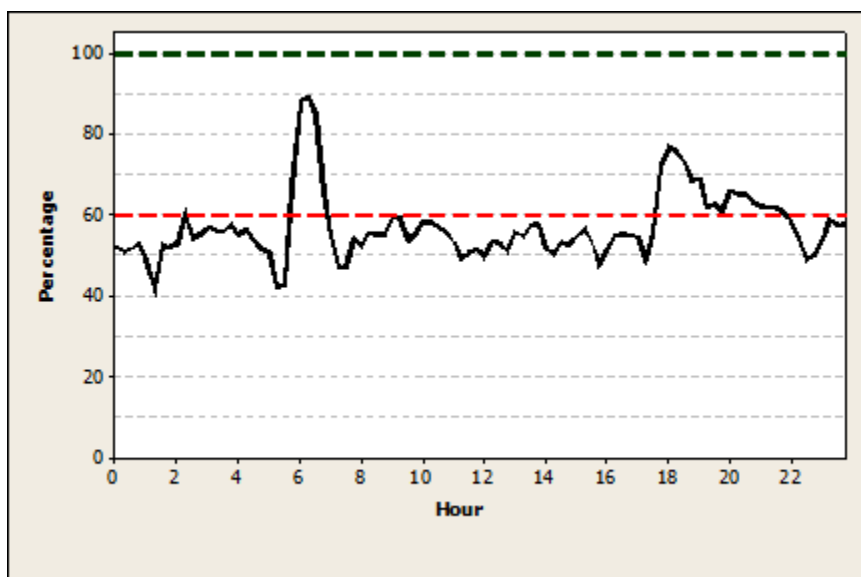
#### **3.1.2. Patrol Operations**

Police agencies routinely speak about “recommended officers per 1,000 population” or a “National Standard” for staffing or comparisons to other municipalities. There are no such standards, nor are there “recommended numbers of officer per thousand.” The International Association of Chiefs of Police (IACP) states, “Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions.”

Staffing decisions, particularly in patrol, must be made based upon actual workload, and very few police agencies have the capability of conducting that analysis. Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time that should exist, consistent with the local government's ability to fund.

CPSM's team of doctoral level experts in Operations Research in Public Safety have created in ***The CPSM Patrol Workload & Deployment Analysis System***® the ability to produce detailed information on workload even in those agencies without sophisticated management information systems. Using the raw data extracted from the police department's CAD system, our team converts calls for service into police services workload, and then effectively graphs workload reflecting seasonally, weekday / weekend and time of day variables. Using this information, the police department can contrast actual workload with deployment and identify the amount of discretionary patrol time available, as well as time commitments to other police activities.

Police service workload differentiates from calls for service in that calls for service are a number reflecting the incidents recorded. Workload is a time measurement recording the actual amount of police time required to handle calls for service from inception to completion. Various types of police service calls require differing amounts of time (and thus affect staffing requirements). As such, call volume (number of calls) as a percentage of total number of calls could be significantly different than workload in a specific area as a percentage of total workload. The graph in Figure 3 below demonstrates this difference in units.



**Figure 3. Workload Percentage by Hour, Weekdays, Summer**

CPSM has found that the most effective way to manage operations, including policing, is to make decisions based upon the interpretation and analysis of data and information.

To achieve this, a data analysis of police department workload, staffing and deployment will be conducted. By objectively looking at the availability of deployed hours and comparing those to the hours necessary to conduct operations, staffing expansion and/or reductions can be determined and projected. Additionally, the time necessary to conduct proactive police activities (such as team-led enforcement,

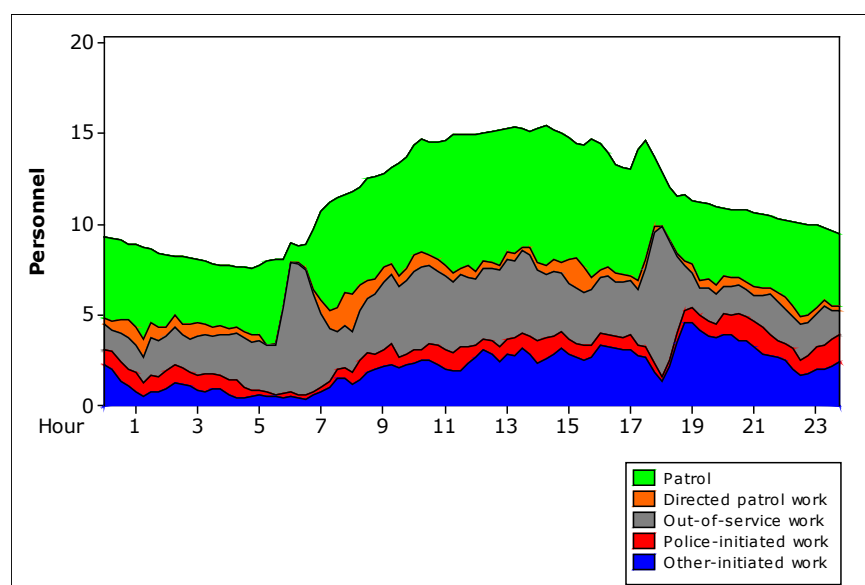
directed patrol, community policing and selected traffic enforcement) will be reviewed to provide the city with a meaningful methodology to determine appropriate costing allocation models.

### Workload vs. Deployment Analysis Sample

This is one of the ways we show the amount of available, non-committed patrol time compared to workload. As you can see, we break out the various activities, convert them to time, and then compare to available manpower. The deployment is based upon actual hours worked.

So, in this example, at noon there are approximately 9 hours of work (including citizen-initiated and officer-initiated calls for services, including traffic) and administrative activities (meals, vehicle, reports, etc.). There are approximately 15 man-hours of available resources meaning that at that hour, on average, of the 15 officers on duty, nine are busy on activities.

The area shown in green and brown is uncommitted time. This is the area where staffing decisions impact — it becomes a policy issue as to how much uncommitted time a city wants and is willing to pay for.



**Figure 4. Deployment and Main Workload, Weekdays, Summer**

### Workload vs. Deployment – Weekdays, Summer

Avg. Workload: 6.5 officers per hour

Avg. % Deployed (SI): 57 percent

Peak SI: 89 percent

Peak SI Time: 6:15 a.m.

The CPSM study will result in the calculation of service demands placed on the department, workload levels, service times for calls for service, and response times. This information is developed by first extracting data from the departments CAD system. The extracted information is then processed, and workload is calculated. This workload is then compared to deployment levels. The product of this analysis is the variance between service demands and available personnel, appropriate recommendations made for staffing levels, and an optimal deployment schedule to meet these service demands. This permits exploration of the following questions:

- What are the service demands made by the public as measured through the CAD system?
- What is the workload?
- Based on this workload is the alignment of Districts and Divisions appropriate?
- Based on the workload is the shift schedule aligned appropriately and what alternatives to the current shift plan are most efficient?
- How many police officers and supervisors are needed to staff the patrol function in order to meet the workload demands placed on the agency?
- How long does it take to respond to calls for service (both response time and total time) and what ways are there to reduce these times?
- How many officers are assigned to each call and what are the ways to minimize these assignments?
- What categories of call, and in what frequency, does the agency handle and what measures can be adopted to minimize unnecessary responses?
- How much time is spent on administrative duties?
- How much time is spent on directed patrol activities and specialized enforcement?

The study will determine the gaps in patrol coverage and recommendations for modifying temporal and spatial deployment. With the appropriate “best fit” of patrol coverage identified, a determination can be made about the exact number of officers required to meet service demands and in what shift/district/division combinations to maximize resources.

In addition to the analysis of patrol operations from the CAD system and workload, the CPSM study will focus on the qualitative aspects of patrol. The study will observe officers on patrol through ride-alongs, interviews, and general observations. We will amass all available documents, plans, and data available to understand the patrol approach in the department. We will observe the special operations teams, the problem/nuisance unit, etc. to evaluate their role within the overall mission of the department and patrol operations. We will evaluate the performance of the units, identify improvement opportunities, and justify and recommend appropriate staffing levels

The CPSM study will also evaluate the implementation of technology on patrol, weapons available, and equipment used with opportunities for improvement.

CPSM advocates community policing as its operational philosophy. The CPSM study would evaluate the implementation of community policing, in quantifiable and anecdotal terms, and identify improvement opportunities where appropriate.

Similarly, the CPSM study would evaluate the relationship of patrol operations with the rest of the department. To what extent does this bureau work, coordinate, and communicate with the other operational and support functions of the department? How should it? What are the strategic, management, and planning functions of the department with regards to the patrol function and how does patrol operations respond to the mission of the organization? How are crime, traffic, disorder, and quality of life problems handled?

### 3.1.3. Investigations

The CPSM study will assess investigations – both reactive and proactive. The CPSM team will explore the following questions:

- Staffing – Are there enough investigators available to handle the workload?
- Workload – What is the workload; how many cases do investigators handle; is the specialization appropriate?
- Case management – Is there an effective case management system in place?
- Effectiveness & Efficiency – How much time does it take to investigate cases? Are victims kept informed? Are cases cleared and offenders held accountable? How much overtime is spent?
- Intelligence – How is intelligence gathered and disseminated (inside and outside the department)? Does the investigations function make use of intelligence?
- Civilianization opportunities – What are the potential areas for civilianization?
- Technological opportunities – Is technology being leveraged to improve investigations?
- Crime scene – Are crime scenes being processed efficiently, and are appropriate follow-up investigations being conducted?
- Proactive Investigations – the same approach and inquires found in sections above are applied to each specialized investigative unit in the department.
  - Narcotics
  - Violent Offenders
  - Warrants and Fugitives
  - Bombings and Arson
  - Fraud/Cyber crimes
  - All other specialized investigations units

CPSM will essentially evaluate each investigative unit operating in the agency. This evaluation will assess the performance of the unit, how the unit operates within the overall mission of the department, compare operations to best practices in law enforcement, identify improvement opportunities, and identify appropriate staffing levels.

### 3.1.4. Administration and Support

Once again, CPSM will evaluate every administrative and support unit in the police department. This evaluation will involve:

- Staffing;
- Workload;
- Civilianization possibilities;
- Cost saving opportunities;
- Out-sourcing opportunities;

Best practice comparisons and opportunities for improvement.

The CPSM team has subject matter experts in police management and administration and will explore administration and support activities in the area of professional standards (Internal investigations, hiring and recruitment, disciplinary system, promotional system), training (both academy and in-service), records management, evaluating the critical, frequent, and high liability policies, facility, fleet, equipment, information technology, property management system, laboratory, planning and research, sick-time management, overtime, communications and dispatch, etc.

In general, we look at every unit identified as a discrete operational/support entity for the following:

- Describe the functions of the unit;
- Evaluate the performance of the unit. In most cases this is a quantitative; evaluation, but in units not appropriate for quantification, a qualitative evaluation is provided;
- Identification of improvement opportunities
- An evaluation and justification, and recommendation for appropriate staffing levels.

### **3.1.5. Organizational Culture**

During the operational evaluation described above, organizational “themes” emerge. What does the department “think” about providing police service to the community and how does this thinking align with the stated mission and department policies? How does the department interact with the community and internally with its own members? In general, what is the culture of the organization?

The culture of a police organization reflects its members and the community it serves. Through focus groups, interviews, and observations, the CPSM team will evaluate operational readiness and need. This part of the CPSM study is critical to the overall success of the project as it provides a better understanding of the police department and how the workload, staffing, and community dynamics shape the mission, goals, operations, and needs of the organization. In addition, as an option, every member of the department can be given the opportunity to participate in an anonymous survey. This survey is designed to understand the culture of the department, assess internal and external communications, and determine what it “thinks” about various elements of organizational life.

### **3.1.6. Organizational Structure and Administration**

Based on the above, we can analyze current management structure and practice and make recommendations to improve organizational administration. The product of this analysis is a proposed staffing mode. The product of this analysis also generally ends up with a leaner, flatter, and more efficient organizational design.

### **3.1.7. Performance Management**

The overarching philosophy of the CPSM approach is to evaluate the police department in terms of performance management. Identifying workload, staffing, and best practices is just the beginning. It is also important to assess the organization’s ability to carry out its mission. Essentially, does the police department know its goals, and how does it know they are being met. It is very difficult for an organization to succeed at any given level of staffing unless it has a clear picture of success. How does the department “think” about its mission, how does it identify and measure what’s important to the community, how does it communicate internally and externally, how does it hold managers accountable,

and how does it know the job is getting done? The CPSM team will evaluate the department and make recommendations to assist with improving capacity in this area, if necessary. In addition, CPSM can offer performance management training and mentoring services to support organizational success.

### **3.2. The CPSM Approach — Fire, Rescue, and EMS**

Immediately following project launch and the kick-off meeting in which CPSM will discuss the data and information requests, CPSM will deliver an information request to the City of Billings Fire and EMS for completion. This is an extensive request for information that will provide us with a detailed understanding of Department operations. We will include in our information request copies of any past and current studies involving service delivery.

Our experience is that it typically takes an agency several weeks to accumulate and digitize the required information. We will provide instructions concerning uploading materials to our website. When necessary, we will conduct a telephone conference with the Department to discuss items contained in the request. Our Fire Operations Lead will review this information received prior to conducting an onsite visit.

Also immediately following the project launch CPSM's Data Assessment Lead will submit a preliminary request for data that will allow us to evaluate the quality of the Computer-Aided Dispatch (CAD) system data. This will be followed by a comprehensive request for data from the CAD system to conduct a response and workload analysis. This request requires a concerted effort and focused response from your Department to ensure the timely production of data required for analysis. Delays in this process will likely extend the entire project and impact the delivery of final report. Our Data Assessment team will extract one year's worth of Calls for Service (CFS) from the CAD system. Once the Data Assessment Team is confident the data are accurate, they will certify that they have all the data necessary to complete the analysis.

#### **3.2.1. Operations Review**

Using information analyzed by our Data Assessment team, CPSM's technical experts will conduct an operational assessment specifically tailored to the City of Billings Fire and EMS to evaluate current staffing, organization, and delivery of services. The CPSM team will evaluate policies, procedures, practices, and records; staffing and training; equipment and maintenance; mapping; implemented technology and innovations; and facilities to create options, recommendations, and implementation strategies for structural and procedural improvements.

Our team will interview the Fire and EMS leadership and department staff and may interview staff from other City departments and other public or private entities.

Observations and recommendations will be developed around key performance and analysis areas in the completion of the report and include:

- Comprehensive Data Analysis
  - Incident Type Workload
  - Response Time
  - Unit Workload
  - Analysis of Busiest Hour
- Governance and Administration
  - Organizational Structure

- Organizational Leadership
- Staffing and Deployment
- External Relationships
- Organizational Behavior/Management/Processes
  - Time Allocation of Staff
  - Organizational Communication
  - Strategic Planning
  - Performance Measurement
- Financial Resources (Operating and Capital Resources)
- Programs (to include fire suppression, EMS, fire prevention, public education, fire investigation, technical rescue, hazardous materials, emergency management, and other service delivery programs)
- Risk Management/All hazards approach to community protection
- ISO/Accreditation Benefit Analysis

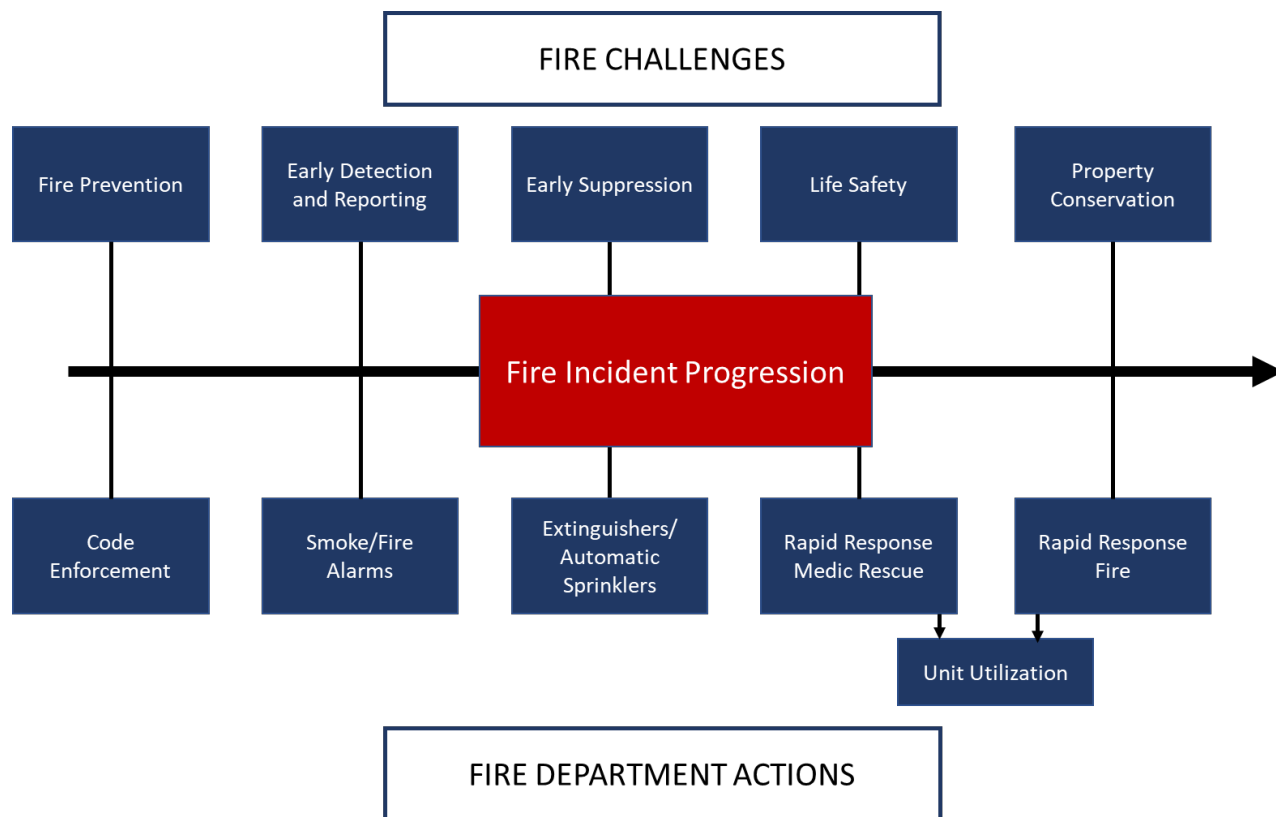
Using GIS technology, we will review the current locations of deployed equipment and stations with recommendations developed for the future. Key to making these determinations will be response time for dispatched units and call density.

CPSM's Data Assessment team has developed a methodology for determining resource utilization that quantifies the maximum and minimum deployment of personnel and equipment. It is unlike any other approach currently used by consultants and is indicative of CPSM's commitment to deliver the right resources at the right time.

### **3.2.2. Fire Suppression Services**

Fire departments staff their stations and train their personnel to respond to a wide array of fire and vehicular accident emergencies. In addition, many departments use the long intervals between calls for service for a variety of fire prevention, training, and station activities. Research in the United Kingdom as well as by FEMA has shown that the most cost-effective approach to fire deployment is the elimination of calls. If a call is received, eliminating hazards decreases the risk faced by first responders and may result in a more positive outcome. These preventive strategies should include building effective code enforcement and fire prevention activities as well as strong public education programs promoting smoke detectors and fire extinguisher use and placement in homes and businesses. The effort may also include early fire suppression through the use of automatic sprinkler systems and other fire protection systems. These prevention and response challenges are illustrated below in Figure 5.

CPSM will gather and analyze data on the efficiency and effectiveness of the current deployment on the fire runs. Resource utilization will be quantified for concentration, location, and unit utilization.



**Figure 5. Fire Prevention and Response Challenges**

The study will also analyze fire call data to provide a comprehensive review of how fire services are delivered to the communities including a detailed analysis of workloads and response times. The analysis of the workloads should begin with an in-depth study of the types of calls handled and their severity. The goal of this data gathering is to explicate the fundamental nature of the fire challenge faced by the Fire Departments.

The study will pay special attention to fires reported in residences or buildings. Some examples of questions to be answered as a part of the study include: What was the average response time of the first arriving fire suppression unit capable of deploying extinguishing agent? How long did the engine companies work at the scene?

For each call type, we will determine the time spent on-scene and the personnel manpower who worked the scene. This data will be aggregated to determine an overall average total time spent on fire calls per 24-hour period and by shift for each engine company. It will document any dramatic variations by time of day and day of week as well as seasonal variations. It will also require the review the Department's non-emergency productive hours that fire personnel carry out between emergency calls. The study will also analyze data to determine the proportion of calls and the associated workload that arise within the community's borders compared to mutual aid calls.

Response time is an important statistic in emergency service systems. We will determine:

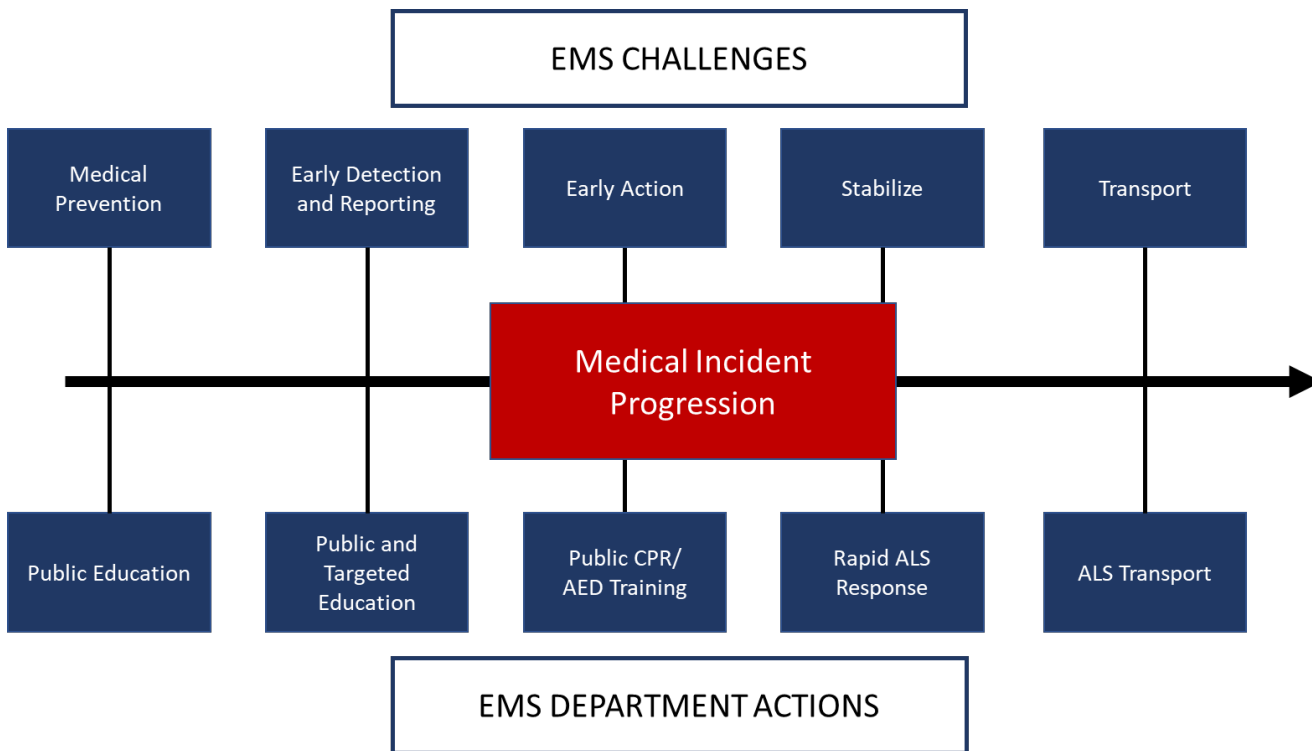
- Average response time of first arriving fire suppression unit capable of deploying extinguishing agent.
- Distribution of response times for different call categories

- Response time for the second arriving engine company, where possible

We will also identify and review calls that experienced unusually long response times.

### 3.2.3. Emergency Medical Services

Fire Departments often provide emergency medical services in addition to fire suppression duties. We analyze EMS call data to provide a comprehensive review of emergency medical services including a detailed analysis of workloads and response times. The analysis of the workloads begins with an in-depth study of the types of calls handled and their severity. The goal is to explicate the fundamental nature of the emergency medical challenge faced by the community’s Fire Department. We pay special attention to the most critical emergencies such as heart attack and serious vehicular accidents. We also look at the level of EMS care being provided and evaluate the options and impacts of providing EMS care at the EMT, Intermediate, or Paramedic levels.



**Figure 6. EMS Challenges**

For each call type, we will determine the time spent on-scene and the personnel manpower who worked the scene. These data will be aggregated to determine an overall average total time spent on fire calls per 24-hour period for each ambulance company and the unit hour utilization (UHU). We will also determine how much EMS calls contribute to the workload of fire engine companies since they also respond to most calls. We will document any dramatic variations by time of day and day of week as well as seasonal variations.

Response time is an important statistic in emergency service systems. We will determine not only average response time but also the distribution of response times for different call categories. We will also identify and review calls that experienced unusually long response times.

### 3.3. Analysis of the Busiest Hours of the Year

Fire departments often speak of the “worst-case scenario” or “resource exhaustion” when developing staffing and deployment plans. In reality, an agency can never staff for the worst-case scenario, because whatever situation can be envisioned, there can always be a more serious event.

Making staffing and apparatus decisions requires a clear understanding of what levels of demand can reasonably be expected over specific periods of time in a specific jurisdiction. For example, what are the busiest calls for service times over a one-year period and what levels of staffing and apparatus were needed to handle this workload?

To answer this question requires a detailed analysis of calls for service, broken down minute by minute, identifying which units were busy and how many units remained available to respond to a new call for service. More sophisticated analysis can take into consideration available mutual aid resources.

There is significant variability in the number of calls from hour to hour and the frequency of simultaneous or overlapping calls. One special concern relates to the fire resources available for the highest workload hours. We tabulate the data for each of 8,760 hours in the year. We identify how often the Department will respond to more than a specified number of calls in an hour. In studying call totals, it is important to remember that an EMS run typically lasts, on average, a different amount of time than a fire category call, and this will vary depending upon whether EMS transport is provided.

#### 3.3.1. Example of “Busiest Hour Analysis”

The following examples is a CPSM study of a fire department with 17 units staffed all the time. For the vast majority of these high-volume hours, the total workload of all units combined is equivalent to three or fewer units busy the entire hour. For the 10 highest volume hours, 0.1% of the hours, the total workload exceeded 3 hours. All of these high-volume hours occurred between 10 a.m. and 9 p.m.

The hour with the most work was between 1000 and 1100 on September 12, 2009. The 21 calls involved 34 runs (a “call” is an incident, and a “run” is a unit response). The combined workload was 417 minutes. This is equivalent to seven firefighting units being busy the entire hour. However, in the City there are 17 units staffed all of the time. During the worst portion of the hour, there were always at least 5 units still available to respond immediately. Only 5 of the 17 units were busy more than 30 minutes during this hour.

The hour with the most calls was between 1400 and 1500 on October 13, 2009. The 23 calls involved 28 runs. The combined workload was 379 minutes. This is equivalent to between six and seven firefighting units being busy the entire hour. However, in the city there are 17 units staffed all of the time. During the worst portion of the hour, there were always at least 7 units still available to respond immediately. Only 3 of the 17 units were busy more than 30 minutes during this hour.

**Table 2. Frequency Distribution of the Number of Calls**

Number of Calls in an Hour	Frequency
0-5	6397
6-10	2263
11-15	98
16 or more	2

Observations:

- A total of 6,397 hours (73%) in a year have received 0-5 calls.
- A total of 2,263 hours (25.8%) in a year have received 6-10 calls.
- A total of 100 hours (1.2%) in a year have received 11 or more calls.

**Table 3. Top Ten Hours with the Most Calls Received**

Hours		Number of Calls	Number of Runs	Total Busy Minutes
13-Oct-2009	1400	23	28	379
12-Sep-2009	1000	21	34	417
20-Jun-2009	2000	15	16	252
02-Feb-2009	1900	15	16	213
10-Jul-2009	1000	14	15	226
15-Feb-2009	1900	14	20	317
29-Jul-2009	1700	14	18	274
23-Feb-2009	1100	14	15	180
17-Mar-2009	1500	14	17	193
01-Mar-2009	1800	13	14	185

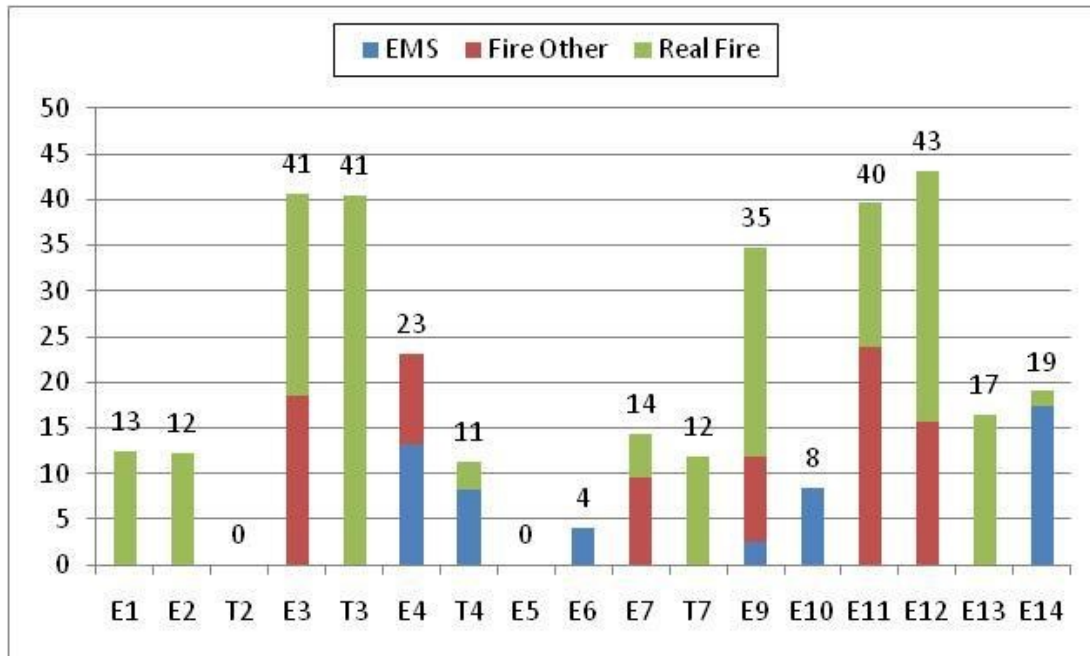
**Table 4. Deployed Minutes by Unit for the Hour between 10 a.m. and 11 a.m. on 12-Sep-2009**

Station	1		2		3		4		5	6	7		9	10	11	12	13	14	Number of Units	
	Unit	E1	E2	T2	E3	T3	E4	T4	E5	E6	E7	T7	E9	E10	E11	E12	E13	E14	Busy	Free
0-5																		3.3	1	16
5-10		1.9		0.7														5	3	14
10-15	3.1	5		5									3.7		0.6	4.8		5	7	10
15-20	5	4.3		5	0.5								5		5	4.4		4	8	9
20-25	4.4	1.1		4.4	5								3.8		5	5			7	10
25-30				5	5								5		5	5			5	12
30-35				4.6	5								5		5	2.7			5	12
35-40				5	5	3.1							5		5	1.3			6	11
40-45				5	5	5				1.2			0.7	0.7	4.9	5	1.6		9	8
45-50				5	5	5	1.8			5	1.8		1.9	1.6	5	4.9	1.7		11	6
50-55				0.9	5	5	4.5		3.3	5	5	2.5	0.8	2.5	5	5			12	5
55-60					5	5	5		0.8	3.1	5	4.1	5	5	5	5			11	6
<b>Total</b>	<b>12.5</b>	<b>12.3</b>	<b>0.0</b>	<b>40.6</b>	<b>40.5</b>	<b>23.1</b>	<b>11.3</b>	<b>0.0</b>	<b>4.1</b>	<b>14.3</b>	<b>11.8</b>	<b>34.8</b>	<b>8.4</b>	<b>39.6</b>	<b>43.2</b>	<b>16.5</b>	<b>19.0</b>			

Note: The numbers in the cells are the busy minutes within the 5-minute block. The cell values greater than 2.5 are coded as red.

Observations:

- Between 10 a.m. and 11 a.m. on September 12, 2009, the fire department responded to 21 calls and dispatched 34 units to these calls.
- In the city there are 17 units staffed all of the time. During the worst portion of this hour, there were always at least 5 units still available to respond immediately. Only 5 of the 17 units were busy more than 30 minutes during this hour.



**Figure 7. Workload by Unit and Call Type for the Hour between 10 a.m. and 11 a.m. on 12-Sep-2009**

Observations:

- Engine companies E3, E11, and E12 were busy more than 40 minutes during this hour.
- Truck T3 was busy more than 40 minutes during this hour.
- Eleven units were busy less than 20 minutes. Two units responded to no calls.

**Table 5. Overlapped Call Analysis**

Scenario	Frequency	Percent
No Overlapped Call	1,536	48.5
Overlapped with another call	1,113	35.2
Overlapped with two calls	388	12.3
Overlapped with three calls	102	3.2
Overlapped with four or more calls	26	0.8

Observations:

- 48.5 percent of emergency incidents had no overlapped call.
- 35.2 percent of emergency incidents overlapped with another call.
- 12.3 percent of emergency incidents overlapped with two calls.
- 4.0 percent of emergency incidents overlapped with three or more calls.

### 3.4. Deliverables

CPSM’s deliverables will include a draft data report that provides analysis of the data collected to conduct the response and workload analyses. The data report will be finalized based on comments received from the City/Departments, and the final data report delivered.

Based upon our subject matter experts’ review of the draft data and the information they gather through their onsite visits and interviews, CPSM will prepare a draft operations report. The report will include a detailed and well-organized narrative describing the study’s scope, methodology, findings, options, and recommendations. CPSM’s reports are graphically rich and include mapping and documentation supporting the analysis.

The draft operations report will be finalized based on comments received from the City/Departments.

### 3.5. Proposed Project Schedule

Table 6 is a draft schedule for completion of the study and submittal of final report. After contract award, we will discuss the project work plan and schedule with the Departments and based on the discussion submit a revised schedule.

**Table 6. Project Milestones and Schedule**

Milestone	Description
Milestone 1 – Full execution of the agreement	Agreement will identify Project Launch date.
Milestone 2 – Project Launch	We will participate in a kick-off meeting. This meeting will be an interactive telephone conference with leadership. Our project leads will launch the project by clarifying and confirming expectations/scope of work, detailing study parameters, identifying agency point of contacts and commencing information gathering. We will also discuss any information requests or data participants wish to address.
Milestone 3a – Information Gathering and Data Extraction – 30 Days	Immediately following project launch, our operations leads will deliver an information request to the Department. This is an extensive request that will provide us with a detailed understanding of the Departments’ operations. Our experience is that it typically takes an agency several weeks to accumulate and digitize the information. We will provide instructions concerning uploading materials to our website. When necessary, our lead will hold a telephone conference to discuss items contained in the request. Our team lead will review this material prior to an onsite visit.
Milestone 3b – Data Extraction and Analysis – 14 Days	Also immediately following the project launch our Data Lead will submit a preliminary data request, which will evaluate the quality of the Computer Aided Dispatch (CAD) system data. This will be followed by a comprehensive request for data from the CAD system to conduct the response and workload analysis. This request requires a concerted effort and focused response from your departments to ensure the timely production of data required for analysis. Delays in this process will likely extend the entire project and impact the delivery of final report. Our data team will extract one year’s worth of Calls for Service (CFS) from the CAD system. Once our Data Team is confident the data are accurate, they will certify that they have all the data necessary to complete the analysis.
Milestone 3c – Data Certification – 14 days	Once the Data Assessment Team is confident the data are accurate, they will certify that they have all the data necessary to complete the analysis.
Milestone 4a – Data Analysis and Delivery of	Within 30 days of data certification, the analysis will be completed, and a draft, unedited data report will be delivered to City/Departments for review and comment.

Milestone	Description
Draft Data Report – 30 days	After the data draft report is delivered, an onsite visit by our operations team will be scheduled.
Milestone 4b – Departmental Review of Draft Data Report – 14 days	The City/Departments will have 10 days to review and comment on the draft unedited data analysis. During this time, our Data team will be available to discuss the draft report. The City/Departments must specify all concerns with the draft report at one time.
Milestone 4c – Final Data Report – 10 days	After receipt of the City/Departments’ comments, the data report will be finalized within 10 days.
Milestone 5 – Conduct Onsite Visit – 30 days	Subject matter experts will perform a site visit after the delivery of the draft data report.
Milestone 6 – Draft Operations Report – 30 days	Within 30 days of the last onsite visit, the operations team will provide a draft operations report to the City/Departments. The City/Departments will have 10 days to review and comment.
Milestone 7 – Final Report 15 days	Once the City/Departments’ comments and concerns are received by CPSM the final report will be delivered to the Department within 15days.
<b>TOTAL ELAPSED TIME: 105 – 135 days</b>	

## 4. Relevant Experience

CPSM leverages research, consulting, and experience in managing over 300 public safety agencies to assess the workload and/or operations of client agencies. This involves data collection and analysis, interviews, comparison analysis, and observation. Recommendations are developed for balancing workload and service needs within local budgets. Our services are designed to assist our clients in achieving more efficient and effective public safety service delivery that is grounded in data and best practices.

CPSM has conducted similar studies in 44 states and provinces, including more than 130 urban fire and emergency medical services projects and more than 225 police/law enforcement projects with comprehensive management, operational, and staffing analyses. Studies have included report components and recommendations following the Center for Public Safety Excellence, Commission on Accreditation of Law Enforcement Agencies, and Commission on Fire Accreditation International standards. These projects have involved law enforcement studies, workload matching to staffing, review of investigations and specialized units, community risk assessments, fire and EMS consolidation analyses, analysis of emergency communications centers, fire and EMS department strategic plans, fire and EMS department staffing plans, and fiscal analyses. CPSM conducts a series of focus groups with stakeholders including staff members (both sworn and civilian), senior management, elected officials, and other community members. These projects have been conducted in small, medium, and large metropolitan police, fire, and EMS departments located in rural, suburban, and urban areas.

CPSM has conducted similar studies in 44 states and provinces for more than 320 public clients. Table 7 provides a comprehensive list of the public clients for which CPSM has provided similar services.

**Table 7. CPSM List of Relevant Past and Current Projects**

Locality	State	Project
Leduc County	AB	Fire Consolidation Plan
Leduc	AB	Comprehensive Analysis of Fire Services.
Kenai	AK	Comprehensive Analysis of Fire Services
Anniston	AL	Comprehensive Analysis of Police Services
Auburn	AL	Comprehensive Analysis of Fire Services
Auburn	AL	Comprehensive Analysis of Police Services
Dothan	AL	Comprehensive Analysis of Police Services
Pelham	AL	Police Chief Selection
Casa Grande	AZ	Comprehensive Analysis of Police Services
Florence	AZ	Comprehensive Analysis of Police Services
Glendale	AZ	Fire Data Analysis
Lake Havasu City	AZ	Comprehensive Analysis of Police Services
Lake Havasu City	AZ	Comprehensive Analysis of Fire Services
Florence	AZ	Comprehensive Analysis of Police Services
Pinal County	AZ	Comprehensive Analysis of Sheriff's Office
Pinal County	AZ	Sheriff's Office Firearms Audit
Prescott	AZ	Comprehensive Analysis of Fire Services
Prescott	AZ	Comprehensive Analysis of Police Services

Locality	State	Project
Queen Creek	AZ	Fire Standards of Coverage Study
Queen Creek	AZ	Police Strategic Plan
Queen Creek	AZ	Comprehensive Analysis of Fire Services
Scottsdale	AZ	Comprehensive Analysis of Police Services
Tucson	AZ	Comprehensive Analysis of Police Services
Youngtown	AZ	Comprehensive Analysis of Police Services
Alameda	CA	Comprehensive Analysis of Fire Services
Alameda	CA	Comprehensive Analysis of Police Services
Burbank	CA	Analysis of Investigations Workload / Staffing
Carlsbad	CA	Comprehensive Analysis of Police Services
El Centro	CA	Comprehensive Analysis of Police Services
El Centro	CA	Comprehensive Analysis of Fire Services
Fairfield	CA	Comprehensive Analysis of Police Services
Greenfield	CA	Comprehensive Analysis of Police Services
Hermosa Beach	CA	Comprehensive Analysis of Fire Services
Hermosa Beach	CA	Comprehensive Analysis of Police Services
Huntington Park	CA	Comprehensive Analysis of Police Services
Indio	CA	Police Patrol Workload Analysis
Kern County	CA	Comprehensive Analysis of Fire Services
Laguna Woods	CA	Review of Sheriff's Office Service
Laguna Woods	CA	Review of Sheriff's Office Service 2017
Laguna Woods	CA	Review of Sheriff's Office Service 2019
Milpitas	CA	Comprehensive Analysis of Police Services
Morgan Hill	CA	Comprehensive Analysis of Police Services
Morgan Hill	CA	Comprehensive Analysis of Fire Services
Palm Desert	CA	Comprehensive Analysis of Fire Services
Palo Alto	CA	Comprehensive Analysis of Fire Services
Pasadena	CA	Police Patrol Workload Analysis
Placentia	CA	Comprehensive Analysis of Police Services
Placentia	CA	Fire Services Contract Analysis
Rohnert Park	CA	Comprehensive Analysis of Police Services
Salinas	CA	Comprehensive Analysis of Police Services
Salinas	CA	Comprehensive Analysis of Fire Services
San Diego County	CA	EMS Study
San Jose	CA	Fire Study Review
San Jose	CA	Police Study Review
San Mateo	CA	Dispatch Operations Review
Santa Ana	CA	Comprehensive Analysis of Police Services
Santa Clara	CA	Comprehensive Analysis of Police Services
Santa Cruz	CA	Comprehensive Analysis of Police Services
Santa Monica	CA	Police Chief Selection
Santa Rosa	CA	Performance Measurement Analysis

Locality	State	Project
Stockton	CA	Comprehensive Analysis of Police Services
Stockton	CA	Comprehensive Analysis of Fire Services
Torrance	CA	Police Strategic Plan
Union City	CA	Comprehensive Analysis of Fire Services
Whittier	CA	Comprehensive Analysis of Police Services
Woodlands	CA	Police Chief Selection
Yuba City	CA	Comprehensive Analysis of Fire Services
Yuba City	CA	Comprehensive Analysis of Police Services
Federal Heights	CO	Comprehensive analysis of Police Services
Federal Heights	CO	Comprehensive analysis of Fire Services
Littleton	CO	Comprehensive Analysis of Fire Services
Littleton	CO	Review of Fire Consolidation Proposal
Steamboat Springs	CO	Comprehensive Analysis of Fire Services
Cheshire	CT	Police Management Review
Southington	CT	Comprehensive Analysis of Fire Services
Bethany Beach	DE	EMS Apparatus Review
Bethany Beach	DE	EMS Review
S. Bethany Beach	DE	Police Department Review
Dover	DE	Comprehensive Analysis of Police Department
Dover	DE	Comprehensive Analysis of Fire Services
Alachua	FL	Expert Witness Law Enforcement Issues
BCCMA	FL	Review of Broward Sheriff's Office Services
Tamarac	FL	Analysis of Sheriff's Contract Services
Inverness	FL	Comprehensive Analysis of Fire Services
Citrus County	FL	Comprehensive Analysis of Fire Services
Cocoa	FL	Comprehensive Analysis of Police Services
Coconut Creek	FL	Comprehensive Analysis of Police Services
Delray Beach	FL	Comprehensive Analysis of Police Services
Delray Beach	FL	Comprehensive Analysis of Fire Services
Dunedin	FL	Police Consolidation Review
Hollywood	FL	Police Internal Affairs Review
Indian River Shores	FL	Public Safety Staffing Analysis
Indian River Shores	FL	Public Safety Study
Jacksonville Bch	FL	Police Chief Selection
Jupiter Island	FL	Public Safety Department Review
Jupiter	FL	Comprehensive Analysis of Police and Fire Services
Hobe Sound	FL	Public Safety Consolidation
Kenneth City	FL	Comprehensive Analysis of Police Services
Miami Beach	FL	Comprehensive Analysis of Fire Services
Naples	FL	Presentation
North Port	FL	Comprehensive Analysis of Police Services
Orange County	FL	Dispatch Center Staffing Study

Locality	State	Project
Parkland	FL	City Safety & Security Review
Pasco County	FL	Sheriff's Budget Review
Land O' Lakes	FL	Comprehensive Analysis of Fire Services
New Port Richey	FL	Sheriff's Budget Analysis
Pompano Beach	FL	Comprehensive Analysis of Police Services
Venice	FL	Comprehensive Analysis of Fire Services
Alpharetta	GA	Comprehensive Analysis of Fire Services
Alpharetta	GA	Comprehensive Analysis of Police Services
Bulloch County	GA	Comprehensive Analysis of Fire Services
Camden County	GA	Police Consolidation Study
Camden County	GA	Comprehensive Analysis of Fire Services
Camden County	GA	Fire Consolidation Study
Kingsland	GA	Comprehensive Analysis of Fire Services
Kingsland	GA	Fire Consolidation St. Marys
Woodbine	GA	Police Consolidation Study
Garden City	GA	Preliminary Analysis Public Safety Merger
Johns Creek	GA	Analysis of Fire Services
Kingsland	GA	Fire Consolidation Study
Roswell	GA	Comprehensive Analysis of Police Department
Roswell	GA	Police Chief Selection
Sandy Springs	GA	Comprehensive Analysis of Police Department
St. Marys	GA	Fire Consolidation Study
Ankeny	IA	Police Chief Selection
Boone	IA	Public Safety Consolidation
Boone	IA	Performance Measurement of Municipal
Hayden	ID	Comprehensive Analysis of Police Services
Jerome	ID	Analysis of Police Services
Algonquin	IL	Performance Measurement Analysis
Glenview	IL	Comprehensive Analysis of Police & Fire Services
Glenview	IL	Comprehensive Analysis of Police Services
Glenview	IL	Dispatch Operations Review
Highland	IL	Comprehensive Analysis of Fire Services
Highland Park	IL	Comprehensive Analysis of Fire Consolidation
Highwood	IL	Comprehensive Analysis of Fire Consolidation
Lake Bluff	IL	Analysis of Fire Consolidation
Lake Bluff	IL	Fire Data Review
Lake Forest	IL	Analysis of Fire Consolidation
Lake Zurich	IL	Comprehensive Analysis of Fire Services
Naperville	IL	Workload, Staffing & Schedule Design
Plainfield	IN	Comprehensive Analysis of Police Services
Roseville	IL	Comprehensive Analysis of Police Services
Skokie	IL	Comprehensive Analysis of Police Services

Locality	State	Project
St. Charles	IL	Police Staffing Review
Western Springs	IL	Comprehensive Analysis of Police Services
Indianapolis	IN	Police Workload & Deployment Services
Topeka	KS	Preliminary review of Fire Department
Pikeville	KY	Comprehensive Analysis of Fire Services
Northborough	MA	Comprehensive Analysis of Police Services
Northborough	MA	Comprehensive Analysis of Fire Services
Cambridge	MD	Performance Measurement Study
Annapolis	MD	Comprehensive Analysis of Police Services
Ocean City	MD	Dispatch Operations Review
Rockville	MD	Comprehensive Analysis of Police Services
Lewiston	ME	Comprehensive Analysis of Fire Services
Ann Arbor	MI	Comprehensive Analysis of Fire Services
Auburn Hills	MI	Comprehensive Analysis of Fire Services
Auburn Hills	MI	Comprehensive Analysis of Police Services
Benton Harbor	MI	Public Safety Consolidation
Chesterfield	MI	Comprehensive Analysis of Police Services
Charlevoix	MI	EMS Study
Lansing	MI	Comprehensive Analysis of Police Services
Lansing	MI	Comprehensive Analysis of Fire Services
Delta Township	MI	Comprehensive Analysis of Fire Services
Delta Township	MI	Comprehensive Analysis of Police Services
Detroit Public Schools	MI	Police Department Review
Douglas	MI	Comprehensive Analysis of Police Services
Flint	MI	Comprehensive Analysis of Fire Services
Flint	MI	Comprehensive Analysis of Police Services
Green Lake Twp.	MI	Comprehensive Analysis of Fire Services
Grand Rapids	MI	Comprehensive Analysis of Police Services
Grand Rapids	MI	Comprehensive Analysis of Fire Services
Kingsley	MI	Comprehensive Analysis of Fire Services
Hamtramck	MI	Comprehensive Analysis of Police Services
Interlochen	MI	Comprehensive Analysis of Fire Services
Grand Traverse	MI	Comprehensive Analysis of Fire Services
Grosse Pointe Park	MI	Public Safety Consolidation
Grosse Pointe	MI	Public Safety Consolidation
Hamtramck	MI	Police Study
Grand Blanc	MI	Comprehensive Analysis of Fire Services
Grand Rapids	MI	Comprehensive Analysis of Police & Fire Services
Grand Rapids	MI	Analysis of Police Services Consolidation
Kentwood	MI	Analysis of Fire Services Consolidation
Flint	MI	Comprehensive Analysis of Police Services
Flint	MI	Comprehensive Analysis of Fire Services

Locality	State	Project
Mott College	MI	Comprehensive Analysis of Police Services
Novi	MI	Comprehensive Analysis of Police Services
Novi	MI	Comprehensive analysis of Fire Services
Kalamazoo	MI	Police Workload / Contract for Services Analysis
Oshtemo Twp.	MI	Review of Sheriff's Office Contract Services
Ottawa County	MI	Sheriff's Office Staffing Study
Petoskey	MI	Public Safety Consolidation
Plymouth	MI	Fire Services Consolidation
Plymouth	MI	Fire Service Analysis
Plymouth	MI	Public Safety Department Report
Royal Oak	MI	Comprehensive Analysis of Police Services
Royal Oak	MI	Comprehensive Analysis of Fire Services
Saginaw	MI	Comprehensive Analysis of Police Services
Saginaw	MI	Comprehensive Analysis of Fire Services
Saginaw	MI	Public Safety Workload Analysis
So. Kalamazoo	MI	Fire Services Review
Vicksburg	MI	Financial Analysis of Fire Authority
Saint Joseph	MI	Public Safety Consolidation
Sturgis	MI	Public Safety Analysis
Troy	MI	Comprehensive Analysis of Police Services
Troy	MI	Review of Fire Administration and Inspections
Wyoming	MI	Comprehensive Analysis of Police Services 2012
Wyoming	MI	Comprehensive Analysis of Fire Services 2012
Wyoming	MI	Comprehensive Analysis of Police Services 2009
Wyoming	MI	Comprehensive Analysis of Fire Services 2009
Forest Lake	MN	Comprehensive Analysis of Police Services
Mankato	MN	Public Safety Study
Moorhead	MN	Comprehensive Analysis of Fire Services
North St. Paul	MN	Public Safety Strategic Plan
Saint Cloud	MN	Police Strategic Planning Review
Saint Cloud	MN	Comprehensive Analysis of Police Services
Stearns County	MN	Comprehensive Analysis of Sheriff's Office
Brentwood	MO	Comprehensive Analysis of Police Services
Hazelwood	MO	Fire / EMS Analysis
Osage Beach	MO	Comprehensive Analysis of Police Services
Saint Louis	MO	Comprehensive Analysis of Fire Services
Saint Louis	MO	Comprehensive Analysis of Police Services
Saint Louis	MO	Standard of Response / Risk Assessment
Bozeman	MT	Fire Protection Master Plan
Kalispell	MT	EMS Study
Bald Head Island	NC	Public Safety Staffing Review
Bald Head Island	NC	Public Safety Consolidation

Locality	State	Project
Chapel Hill	NC	Comprehensive Analysis of Police Services
Cornelius	NC	Fire Consolidation Study
Davidson	NC	Fire Consolidation Study
Greenville	NC	Comprehensive Analysis of Fire Services
Hickory	NC	Comprehensive Analysis of Fire Services
Huntersville	NC	Comprehensive Analysis of Fire Services
Matthews	NC	Comprehensive Analysis of Police Services
Oxford	NC	Comprehensive Analysis of Fire Services
Oxford	NC	Comprehensive Analysis of Police Services
Rocky Mount	NC	AED Grant assistance
Rocky Mount	NC	Comprehensive Analysis of Police Services
Grand Island	NE	Comprehensive Analysis of Police Services
Grand Island	NE	Comprehensive Analysis of Fire Services
South Sioux City	NE	Fire Services Strategic Plan
Exeter	NH	Comprehensive Analysis of Fire Services
Exeter	NH	Comprehensive Analysis of Police Services
East Brunswick	NJ	EMS Study
Oradell	NJ	Comprehensive Analysis of Police Services
Paterson	NJ	Review of Police Services
South Orange	NJ	Comprehensive Analysis of Police Services
Trenton	NJ	Comprehensive Analysis of Fire Services
Westwood	NJ	Comprehensive Analysis of Police Services
Bernalillo	NM	Comprehensive Analysis of Fire Services
Las Cruces	NM	Comprehensive Analysis of Fire Services
Las Cruces	NM	Comprehensive Analysis of Police Services
Ruidoso	NM	Comprehensive Analysis of Police Services
Boulder City	NV	Police Organizational Study
Henderson	NV	Comprehensive Analysis of Police Services
Las Vegas	NV	Comprehensive Analysis of Fire Services
North Las Vegas	NV	Fire Workload Analysis
Reno	NV	Comprehensive Analysis of Fire Services
Briar Cliff Manor	NY	Analysis of Police Consolidation
Canandaigua	NY	Regional Fire Services Study
Garden City	NY	Comprehensive Analysis of Fire Services
Garden City	NY	Comprehensive Analysis of Police Services
Garden City	NY	Patrol Workload Analysis Update
Long Beach	NY	Comprehensive Analysis of Fire and EMS Services
Oneonta	NY	Comprehensive Analysis of Fire and EMS Services
Oneonta	NY	Fire Apparatus Review
Orchard Park	NY	Comprehensive Analysis of Police Services
Ossining	NY	Analysis of Police Consolidation
Ossining Town	NY	Analysis of Police Consolidation

Locality	State	Project
Rye	NY	Police Chief Selection
Steuben County	NY	Comprehensive Analysis of EMS
Watertown	NY	Comprehensive Analysis of Fire Services
Cincinnati	OH	Police Dispatch Review
Dayton	OH	Police Internal Affairs Review
Huron	OH	Comprehensive Analysis of Police Services
Huron	OH	Comprehensive Analysis of Fire Services
Independence	OH	Comprehensive Analysis of Police Services
Independence	OH	Comprehensive Analysis of Fire Services
Sandusky	OH	Fire Study
Sandusky	OH	Police Study
Broken Arrow	OK	Comprehensive Analysis of Police Services
Broken Arrow	OK	Comprehensive Analysis of Fire Services
Edmond	OK	Comprehensive Analysis of Police Services
Jenks	OK	Comprehensive Analysis of Police Services
Jenks	OK	Comprehensive Analysis of Fire Services
Muskogee	OK	Comprehensive Analysis of Police Services
Tulsa	OK	Comprehensive Analysis of Fire Services
Bend	OR	Comprehensive Analysis of Police Services
Forest Grove	OR	Police Planning Study
Grants Pass	OR	Comprehensive Analysis of Fire Services
Grants Pass	OR	Comprehensive Analysis of Police Services
Grants Pass	OR	Public Safety Strategic Plan Development
Ontario	OR	Comprehensive Analysis of Police Services
Ontario	OR	Comprehensive Analysis of Fire Services
Medford	OR	Comprehensive Analysis of Fire Services
Cumru Twp.	PA	Comprehensive Analysis of Police Services
Cumru Twp.	PA	Police Chief Selection
Ephrata	PA	Comprehensive Analysis of Police Services
Farrell	PA	Comprehensive Analysis of Police Services
Manheim Twp.	PA	Comprehensive Analysis of Police Services
Tredyffrin Twp.	PA	Comprehensive Analysis of Police Services
Lower Windsor Twp.	PA	Comprehensive Analysis of Police Services
Upper Providence	PA	Comprehensive Analysis of Police Services
Wrightsville	PA	Comprehensive Analysis of Police Services
East Providence	RI	Comprehensive Analysis of Fire Services
East Providence	RI	Expert Witness Fire Issues
Beaufort	SC	Review of Fire Service Contract
Beaufort	SC	Comprehensive Analysis of Police Services
Beaufort	SC	Comprehensive Analysis of Fire Services
Walterboro	SC	Comprehensive Analysis of Public Safety Dept.
Rapid City	SD	Comprehensive Analysis of Fire Services

Locality	State	Project
<b>Germantown</b>	TN	Comprehensive Analysis of Fire Services
<b>Johnson City</b>	TN	Comprehensive Analysis of Fire Services
<b>Johnson City</b>	TN	Comprehensive Analysis of Police Services
<b>Smyrna</b>	TN	Comprehensive Analysis of Police Services
<b>Smyrna</b>	TN	Comprehensive Analysis of Fire Services
<b>Addison</b>	TX	Comprehensive Analysis of Fire Services
<b>Addison</b>	TX	Comprehensive Analysis of Police Services
<b>Baytown</b>	TX	EMS Study
<b>Belton</b>	TX	Comprehensive Analysis of Police Services
<b>Belton</b>	TX	Comprehensive Analysis of Fire Services
<b>Belton</b>	TX	Police Chief Selection
<b>Belton</b>	TX	Fire Chief Selection
<b>Bryan</b>	TX	Comprehensive Analysis of Fire Services
<b>Buda</b>	TX	Comprehensive Analysis of Police Services
<b>Cedar Park</b>	TX	Comprehensive Analysis of Police Services
<b>College Station</b>	TX	Comprehensive Analysis of Fire Services
<b>Conroe</b>	TX	Fire Services Analysis and Standard of Response
<b>Corinth</b>	TX	Comprehensive Analysis of Fire Services
<b>Frisco</b>	TX	Comprehensive Analysis of Fire Services
<b>Highland Village</b>	TX	Fire Review
<b>Hutto</b>	TX	Comprehensive Analysis of Fire Services
<b>Lucas</b>	TX	Fire and EMS Analysis
<b>Lufkin</b>	TX	Comprehensive Analysis of Fire Services
<b>New Braunfels</b>	TX	Fire Study
<b>New Braunfels</b>	TX	Police Study
<b>Prosper</b>	TX	Comprehensive Analysis of Police Services
<b>Round Rock</b>	TX	Comprehensive Analysis of Fire Services
<b>Sugar Land</b>	TX	Comprehensive Analysis of Police Services
<b>Sugar Land</b>	TX	Fire Department Overtime Analysis
<b>Sugar Land</b>	TX	Comprehensive Analysis of Fire Services
<b>Victoria</b>	TX	Comprehensive Analysis of Police Services
<b>Washington City</b>	UT	Comprehensive Public Safety Analysis
<b>Hampton</b>	VA	Police Chief Selection
<b>Leesburg</b>	VA	Comprehensive Analysis of Sheriff Services
<b>Leesburg</b>	VA	Comprehensive Analysis of Fire Services
<b>Hampton</b>	VA	Police Chief Selection
<b>Loudon County</b>	VA	Comprehensive Analysis of Fire Services
<b>Loudon County</b>	VA	Comprehensive Analysis of Sheriff's Services
<b>Bonney Lake</b>	WA	Comprehensive Analysis of Police Services
<b>Lacey</b>	WA	Comprehensive Analysis of Fire Services
<b>Snoqualmie</b>	WA	Police Workload & Deployment Analysis
<b>Marysville</b>	WA	Comprehensive Analysis of Police Services

Locality	State	Project
Marysville	WA	Comprehensive Analysis of Police Services
Mill Creek	WA	Comprehensive Analysis of Police Services
Mill Creek	WA	Comprehensive Analysis of Fire Services
Spokane Valley	WA	Comprehensive Analysis of Police Services
Vancouver	WA	Comprehensive Analysis of Police Services
Vancouver	WA	Police Chief Selection
Dunn County	WI	Sheriff's Office Study
Wauwatosa	WI	Comprehensive Analysis of Fire Services
Wauwatosa	WI	Comprehensive Analysis of Police Services
Casper	WY	Comprehensive Analysis of Police Services
Jackson	WY	Police Consolidation Review
Laramie	WY	Comprehensive Analysis of Police Services

## 5. Proposed Project Team and Capacity to Assume New Business

For this project CPSM has assembled a premier team of experts that includes our Project Manager and Operations Leaders for Fire, EMS, Law Enforcement, and Data Analysis, supported by senior public safety subject matter experts selected from our team specifically to meet the needs of the City of Billings. CPSM does not plan to subcontract any portion of the work scope.

Our project team offers practical experience managing fire, rescue, EMS, and police departments; a record of research, academic, teaching and training, and professional publications; and extensive consulting experience completing hundreds of similar studies nationwide. Our subject matter experts offer experience in small, large, volunteer, combination, and career fire departments and law enforcement departments for small, medium, and large municipalities.

Because CPSM’s subject matter experts are current and former fire, rescue, EMS, and police chief officers with prior experience as practitioners, line officers, and middle managers, they have extensive knowledge, experience, and familiarity with all aspects of operations in their areas of specialty. Their expertise has been applied to projects that CPSM has performed for its clients. These comprehensive fire, rescue, EMS, and police services analyses have yielded thousands of recommendations for enhancing the effectiveness and efficiency of department management, operations, staffing, training, data management, fleet management, community relations, and more.

The organizational chart for the project is provided in Figure 8, which shows our management team. A summary of the qualifications, experience, and project roles for key personnel to be assigned to this project is provided in Table 8. Brief bios follow the table.



**Figure 8. Project Organizational Chart**

**Table 8. Key Personnel Summary**

Name/ Title	Qualifications	Relevant Experience	Project Role
<b>Thomas Wieczorek</b>	<ul style="list-style-type: none"> <li>Expert in fire and emergency medical services operations</li> </ul>	<ul style="list-style-type: none"> <li>Former fire chief, director of public safety, police officer, and city manager</li> </ul>	Project Manager
<b>Director, Center for Public Safety</b>	<ul style="list-style-type: none"> <li>Current representative of ICMA on the NFPA 1710 Career Committee</li> </ul>		

Name/ Title	Qualifications	Relevant Experience	Project Role
<b>Management, LLC</b>	<ul style="list-style-type: none"> <li>▪ 2000 ICMA Award for Excellence</li> <li>▪ 1999 City Manager of the Year, 2003 Person of the Year for Rural Water Association of Michigan</li> <li>▪ 2005 Distinguished Service Award – Michigan Municipal League</li> </ul>	<ul style="list-style-type: none"> <li>▪ Former Executive Director of the Center for Public Safety Excellence</li> <li>▪ Taught Public Safety programs at multiple colleges and organizations</li> <li>▪ Former officer for Michigan Local Government Manager’s Association and Commission of Fire Officer Designation</li> <li>▪ Served on Honolulu Accreditation Review Team for Center for Public Safety Excellence, Commission on Fire Accreditation International.</li> </ul>	
<b>Fire / EMS Operations Team</b>			
<b>Chief Joseph Pozzo, MPA, CFO</b> <b>Senior Associate</b>	<ul style="list-style-type: none"> <li>▪ 40-year career in public service</li> <li>▪ Master of Public Administration degree from Troy University, B.A. in Public Administration from Saint Leo University and several associate degrees including an AAS in Fire Science and Protective Services</li> <li>▪ Chief Fire Officer Designation from the Center for Public Safety Excellence</li> <li>▪ Adjunct Instructor for the Virginia Department of Fire Programs</li> </ul>	<ul style="list-style-type: none"> <li>▪ As CPSM’s Senior Manager for Fire and EMS has completed more than 50 similar studies</li> <li>▪ Director of Public Protection for Volusia County, Florida where he provides executive leadership to 900-employee Fire, EMS, Emergency Management, Corrections, Animal Control, and Beach Safety divisions</li> <li>▪ While Deputy Director of the Department of Public Protection Volusia County, responsible for the day-to-day operations that included Fire and EMS</li> </ul>	Fire Operations Lead
<b>Matt Zavadsky, MS-HSA, NREMT</b> <b>Senior Associate</b>	<ul style="list-style-type: none"> <li>▪ 40 years’ EMS experience</li> <li>▪ Master’s in Health Service Administration with a Graduate Certificate in Health Care Data Management</li> <li>▪ Subject Matter Expert in mobile integrated healthcare, high performance EMS system operations, public/media relations, public policy, EMS economic models and EMS research</li> <li>▪ Expert knowledge of dispatch and communications system innovations, specifically related to the key roles of emergency medical dispatch operations, data analytics, and resource allocation.</li> <li>▪ Written numerous articles and spoken nationally on topics relating to flexible deployment strategies, dynamic resource management, and resource utilization.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Chief Strategic Integration Officer at MedStar Mobile Healthcare, Public Utility Model EMS agency, exclusive provider of EMS and Mobile Integrated Healthcare Services for Fort Worth and 14 other cities in North Texas</li> <li>▪ While at MedStar, they completely re-designed dispatch process and implemented a revolutionary new CAD system, which has been integrated across multiple systems and agencies.</li> <li>▪ Co-investigator in several published studies related to innovations in emergency medical dispatch.</li> <li>▪ President of the National Association of EMTs and chairs the Transformation Committee</li> <li>▪ Adjunct Faculty for the University of North Texas Health Science Center,</li> </ul>	EMS Operations Lead

Name/ Title	Qualifications	Relevant Experience	Project Role
		Department of Health Management and Policy <ul style="list-style-type: none"> <li>▪ Joint Commission’s Home Care Professional and Technical Advisory Committee (PTAC)</li> <li>▪ Lewin Group’s Hospital Outpatient Quality Reporting (HOQR) Program Stroke and AMI Expert Work Group</li> </ul>	
<b>Chief Peter J. Finley, Jr. (Ret.), BA, EFO</b>  <b>Senior Associate</b>	<ul style="list-style-type: none"> <li>▪ BA, EFO, Senior Associate.</li> <li>▪ Past President NJ Career Fire Chiefs Association</li> </ul>	<ul style="list-style-type: none"> <li>▪ 36-years in fire and emergency services</li> <li>▪ Current Adjunct Professor in the Fire Science Program at Camden County College</li> <li>▪ Retired Chief of Department City of Vineland Fire Department and Winslow Township Fire</li> <li>▪ Associate in Applied Science degree from Atlantic Community College in New Jersey</li> <li>▪ Bachelor of Science degree in Fire Science/ Administration from the University of Maryland</li> <li>▪ 2003 graduate of the National Fire Academy’s Executive Fire Officer Program earning an Outstanding Research Award in 2002</li> </ul>	<b>Subject Matter Expert</b>
<b>Law Enforcement Assessment Team</b>			
<b>Chief Jackie Gomez-Whiteley, (Ret), M.A.</b>  <b>Senior Associate</b>	<ul style="list-style-type: none"> <li>▪ 33-year law enforcement professional serving with distinction in both Orange and Los Angeles County</li> <li>▪ Master of Arts degree from Chapman University in Organizational Leadership with a certificate in Public and Non-Profit Leadership</li> <li>▪ Bachelor of Arts degree from Loyola Marymount University in Psychology with a minor in Alcohol and Drug Studies</li> <li>▪ Graduate of P.O.S.T. Command College, where she published an article in Police and Security News Magazine titled: Dirty Bombs: Calculating the Threat</li> </ul>	<ul style="list-style-type: none"> <li>▪ In 2019, served as Interim Police Chief for the Pacific Grove Police Department in Monterey County.</li> <li>▪ 23 years at Orange Police Department, serving in all three divisions: Patrol, Investigations, and Administration and department’s first woman motor officer, as well as sergeant and lieutenant. Medal of Valor recipient.</li> <li>▪ Captain at the Cypress Police Department where she oversaw both Operations and Support Services divisions. Appointed Chief of Police and the first woman to serve as Police Chief of a municipal agency in Orange County.</li> <li>▪ Served as Interim Police Chief for the Alhambra Police Department.</li> </ul>	<b>Law Enforcement Assessment Lead</b>

Name/ Title	Qualifications	Relevant Experience	Project Role
		<ul style="list-style-type: none"> <li>▪ Adjunct instructor at various law enforcement training centers throughout California for 29 years</li> <li>▪ Program Director for the prestigious California Police Chiefs Executive Leadership Institute (CPCELI) at Drucker</li> </ul>	
<b>Chief Marilyn Diaz, (Ret), M.S.</b>  <b>Senior Associate</b>	<ul style="list-style-type: none"> <li>▪ Thirty-seven-year career in law enforcement in California</li> <li>▪ Master’s degree in Education from the University of Southern California</li> <li>▪ Bachelor’s degree in Police Science from California State University, Los Angeles</li> </ul>	<ul style="list-style-type: none"> <li>▪ Retired Chief of Police, Sierra Madre, and Retired Commander, Pasadena, California Police Department</li> <li>▪ First woman to be directly assigned as a patrol officer in the Pasadena Police Department in 1974 and in 2006 retired as a Commander having led Administrative Services and Field Operations Divisions</li> <li>▪ In 2006 as Sierra Madre’s Chief of Police, first woman in Los Angeles County to become chief of a municipal police department</li> </ul>	Subject Matter Expert
<b>Deputy Chief Wayne Hiltz, (Ret.), B.S.</b>  <b>Senior Associate</b>	<ul style="list-style-type: none"> <li>▪ 33 years of experience in municipal law enforcement, including broad range of experience in nearly every facet of policing from patrol, gang enforcement, and undercover narcotics to internal affairs investigations and community relations</li> <li>▪ Bachelor of Science degree in Police Science and Administration from California State University at Los Angeles</li> <li>▪ Executive training includes FBI Southwest Command College and Senior Management Institute for Police</li> </ul>	<ul style="list-style-type: none"> <li>▪ Former Interim Chief of Police at Pasadena and Irwindale Police Departments</li> <li>▪ Last 13 years spent at command and executive levels</li> <li>▪ As Deputy Police Chief, served as chief operating officer of Pasadena Police Department, responsible for all day to day operations including internal audits and inspections</li> <li>▪ Extensive experience in managing budgets and has served as a budget instructor for the California Commission on Peace Officer Standards and Training</li> </ul>	Subject Matter Expert
<b>Captain John Clark, (Ret), B.A.</b>	<ul style="list-style-type: none"> <li>▪ Thirty-three years of experience with the Los Angeles County Sheriff’s Department</li> <li>▪ Broad experience includes command, administrative, operational and tactical assignments in Patrol, Detective, Custody, Court, and Administrative divisions</li> <li>▪ Bachelor of Arts in Criminal Justice from California State University, Fullerton</li> </ul>	<ul style="list-style-type: none"> <li>▪ As Captain in the Los Angeles County Sheriff’s Department, he was in command of various units including internal investigations, financial and cybercrimes, custody operations and inmate transportation</li> <li>▪ Managed Southern California High Tech Taskforce comprised of Federal, State and local agencies</li> <li>▪ Command and operations level member of a county-wide team</li> </ul>	Subject Matter Expert

Name/ Title	Qualifications	Relevant Experience	Project Role
		<p>responsible for managing all department resources during natural disasters, civil disturbances and other high-profile events</p> <ul style="list-style-type: none"> <li>Member of the International Association of Financial Crimes Investigators, Southern California Jail Managers Association, Los Angeles Superior Court Management Group, and San Gabriel Valley Peace Officers Association</li> </ul>	
<b>Data Assessment Team</b>			
<b>Dov Chelst, PhD</b> <b>Director of Quantitative Analysis</b>	<ul style="list-style-type: none"> <li>Subject Matter Expert in analyzing public safety department’s workload and deployment</li> <li>PhD Mathematics</li> <li>BA Magna Cum Laude in Mathematics and Physics</li> </ul>	<ul style="list-style-type: none"> <li>Managed over 140 data analysis projects for city and county agencies ranging in population size from 8,000 to 800,000</li> </ul>	Data Assessment Lead
<b>David Martin, PhD</b> <b>Senior Public Safety Subject Matter Expert</b>	<ul style="list-style-type: none"> <li>Expert in mapping technology to analyze calls for service workload and deployments.</li> <li>Teaches statistics at Wayne State University</li> </ul>	<ul style="list-style-type: none"> <li>Senior Researcher in the Center for Urban Studies, Wayne State University</li> <li>Program Evaluator for four Department of Justice Weed and Seed sites</li> </ul>	GIS Analyst
<b>Shan Zhou, PhD</b> <b>Senior Public Safety Data Analyst</b>	<ul style="list-style-type: none"> <li>Specializes in analysis of police data</li> <li>Extensive experience in scientific and clinical data analysis</li> <li>MS in Business Analytics and Project Management</li> <li>PhD in Cell biology, Genetics and Development</li> </ul>	<ul style="list-style-type: none"> <li>Prior to CPSM, she worked as an associate scientist at Yale School of Medicine</li> </ul>	Data Analyst
<b>Sarah Weadon, BA</b> <b>Senior Public Safety Data Analyst</b>	<ul style="list-style-type: none"> <li>15+ years’ experience consulting with local, state, and federal government agencies in data and geospatial analysis, database and application development, and project management</li> <li>Bachelor’s degree in Classical Languages</li> </ul>	<ul style="list-style-type: none"> <li>Worked with 40+ public safety agencies across the U.S. and Canada, providing data and geospatial analysis of response times, call trends, and station locations</li> </ul>	Data Analyst

**5.1. Project Manager / Director, Center for Public Safety Management, LLC —Thomas Wieczorek**  
*Retired City Manager Ionia, MI; former Executive Director Center for Public Safety Excellence*

Thomas Wiczorek is an expert in fire and emergency medical services operations. He has served as a police officer, fire chief, director of public safety and city manager and is former Executive Director of the Center for Public Safety Excellence (formerly the Commission on Fire Accreditation International, Inc.).

He has taught a number of programs at Grand Valley State University, the National Highway Traffic Safety Administration (NHTSA), and Grand Rapids Junior College. He has testified frequently for the Michigan Municipal League before the legislature and in several courts as an expert in the field of accident reconstruction and fire department management. He is the past-president of the Michigan Local Government Manager's Association; served as the vice-chairperson of the Commission on Fire Officer Designation; and serves as a representative of ICMA on the NFPA 1710 career committee.

He most recently worked with the National League of Cities and the Department of Homeland Security to create and deliver a program on emergency management for local officials titled, "Crisis Leadership for Local Government Officials." It has been presented in 43 states (including Hawaii) and has been assigned a course number by the DHS. He represents ICMA on the NFPA 1710 and 1730 Standards Committees and is a board member on the International Accreditation Service, a wholly owned subsidiary of the International Code Council.

He received the Mark E. Keane "Award for Excellence" in 2000 from the ICMA, the Association's highest award, and was honored as City Manager of the Year (1999) and Person of the Year (2003) by the Rural Water Association of Michigan, and for distinguished service by the Michigan Municipal League in 2005.

## **5.2. Fire and EMS Operations Assessment Team**

### **5.2.1. Fire and EMS Operations Lead/Senior Associate — Chief Joseph Pozzo, MPA, CFO**

*Currently the Director of Public Protection for Volusia County, Florida; Former Assistant Director of Human Resources, Volusia County, FL; Former Deputy Director, Volusia County Department of Public Protection; former Director and Fire Chief, Volusia County, Florida, former Fire Chief, Loudon County, Virginia, former Fire Chief Portsmouth, Virginia.*

Chief Joseph Pozzo serves as the Senior Manager for Fire and EMS for CPSM. He has completed more than 50 similar studies while with CPSM. Chief Pozzo has a 40-year career in public service, and currently serves as the Director of Public Protection for Volusia County, Florida where he provides executive leadership to the Fire, EMS, Emergency Management, Corrections, Animal Control, and Beach Safety divisions. The Public Protection Department is the largest department in Volusia County and includes 900 employees, an EMS Division that responds to 70,000 calls per year and utilizes Florida's first-ever Nurse Triage system in the 911 Center, a County Jail that averages 1,350 inmates/day, a Beach Safety Division that protects 47 miles of beach and delivers law enforcement, ocean rescue, and first response EMS protective services, an all-hazards Emergency Management Division that specializes in coastal storm preparation and response, and a Fire Division that responds to 23,000 calls/year with ALS engines and specialization in wildland/urban interface response and mitigation.

From March 2015 to September of 2018, he served as the Assistant Director of Human Resources for Volusia County (3,200 employees), where he managed the employee relations, benefits administration, and occupational health services functions and teams, as well as assisted the Human Resources director with the management and negotiation of six collective bargaining agreements/units. He is also deeply involved in developing and implementing the County's Diversity and Inclusion initiative.

He also served as the Deputy Director of the Department of Public Protection Volusia County, where he was responsible for the day-to-day operations of Fire, EMS, Emergency Management, Medical Examiner, Beach Safety, Corrections, and Animal Services. He was formerly Fire Chief of Volusia County Fire Services, where he developed and implemented a service model designed to introduce EMS transport into the agency, incorporate fleet efficiencies, and enhance the wildland/urban interface efforts.

Prior to Chief Pozzo's appointment in Volusia County in 2010, he served as the Chief of the Loudoun County Department of Fire and Rescue. This agency is a combination fire and rescue system providing fire, rescue, and EMS in one of the fastest growing counties in the nation. During Chief Pozzo's tenure, the fire and rescue system provided these services to over 275,000 permanent residents living in 520 square miles of diverse suburban and rural area located within the National Capital Region. Services were executed through 450+ career staff and over 1,400 volunteer members operating out of 19 stations.

Prior to his appointment with Loudoun County, Chief Pozzo served as Chief of the Portsmouth Fire, Rescue and Emergency Services Department. This agency is one of the oldest professional departments on the eastern seaboard and served over 95,000 residents during Chief Pozzo's tenure. Chief Pozzo also served in the City of Virginia Beach, Virginia Fire Department for 19 years reaching the level of Battalion Chief prior to embarking on his career as a Fire Chief/Director.

Chief Pozzo holds a Master of Public Administration degree from Troy University where he graduated with honors, a B.A. in Public Administration from Saint Leo University and several associate degrees including an AAS in Fire Science and Protective Services and numerous public safety technical certifications. He holds the Chief Fire Officer Designation from the Center for Public Safety Excellence and is a Senior Certified Professional in Human Resources through the Society of Human Resource Management (SHRM).

### **5.2.2. Senior Associate — Chief Peter J. Finley, Jr. (Ret.), BA, EFO, Senior Associate**

*Retired Chief of Department City of Vineland Fire Department and Winslow Township Fire Department. Past President New Jersey Career Fire Chiefs Association.*

Pete Finley's 36-year career in the fire and emergency services includes 28 years in a career capacity with several different fire departments. He has served as Chief of Department for two New Jersey Fire Departments, most recently the Winslow Township Fire Department where, significant among other accomplishments, he was responsible for the planning, establishment, and initial deployment of the career component of the department as it transitioned from fully volunteer to combination status. Prior to that he served for more than 20 years with the City of Vineland Fire Department holding every operational rank (Firefighter, Fire Prevention Specialist, Captain, Deputy Chief, Fire Chief) including 4 ½ years as Chief of Department. In this position, he initiated significant changes within the department including implementing numerous improved operational and safety initiatives, updating, and modernizing equipment, providing the department's first ever formal officer training and development program, and significantly increasing the capabilities of the regional hazardous materials and special operations response team. During his tenure, the department received more than one million dollars in various grants. He formerly Commanded the Vineland Rescue Squad, gaining significant EMS operations and command experience and completing a complete overhaul of that organization's operations.

Chief Finley currently serves as an Adjunct Professor in the Fire Science Program at Camden County College. In addition, since his retirement, he has been involved in conducting numerous fire department operational readiness and organizational evaluations including several under the auspices of the United

State Coast Guard related to domestic port security assessments. He has also been involved in the development and administration of several fire service promotional examinations and assessment processes.

Chief Finley received his B.S. degree in Fire Science/ Administration from the University of Maryland and earned his Associate in Applied Science degree from Atlantic Community College in New Jersey. He is a 2003 graduate of the National Fire Academy's Executive Fire Officer Program, earning an Outstanding Research Award for his 2002 paper titled, "Residential Fire Alarm Systems: The Verification and Response Dilemma." He has earned more than two dozen state and national fire service certifications, most of them the highest level attainable. Chief Finley has been a member of several fire service organizations and served on numerous committees throughout his career. In 2008 and 2009 he served as President of the New Jersey Career Fire Chiefs Association, a professional association that represents and advocates for the interests of the state's full-time professional fire chiefs and the fire service in general. From 2003–2005 he was a member of the Training and Education Committee of the Governor's Fire Service and Safety Task Force.

### **5.2.3. Senior Associate — Matt Zavadsky, MS-HSA, NREMT**

Matt Zavadsky is the Chief Strategic Integration Officer at MedStar Mobile Healthcare, the Public Utility Model EMS agency that provides exclusive emergency and non-emergency EMS and Mobile Integrated Healthcare services for Fort Worth and 14 other cities in North Texas. MedStar provides advanced life support ambulance service to 436 square miles and more than 1 million residents and responds to over 155,000 calls a year with a fleet of 57 ambulances.

MedStar is a dual-accredited, high performance, high-value EMS system, providing advanced clinical care with high economic efficiency with no taxpayer subsidy and is one of the most recognized EMS agencies in America.

Joining MedStar in 2008 as the Operations Director, Matt has helped guide the continued development and implementation of numerous innovative programs with healthcare partners that have transformed MedStar fully as a Mobile Integrated Healthcare (MIH) provider, including high utilizer, CHF readmission reduction, observational admission reduction, hospice revocation avoidance, 9-1-1 nurse triage programs and partnerships with home health agencies. He is also the co-author of the book "Mobile Integrated Healthcare – Approach to Implementation" published by Jones and Bartlett Publishing.

Matt has 40 years' experience in EMS and holds a master's degree in Health Service Administration with a graduate certificate in Health Care Data Management. He is a frequent speaker at national conferences and has done consulting in numerous EMS issues, specializing in mobile integrated healthcare, high-performance EMS system operations, public/media relations, public policy, EMS economic models and EMS research.

Matt is the President of the National Association of EMTs and chairs their EMS Transformation Committee. He is also Adjunct Faculty for the University of North Texas Health Science Center, Department of Health Management and Policy, as well as an appointed committee member to the Joint Commission's Home Care Professional and Technical Advisory Committee (PTAC) and the Lewin Group's Hospital Outpatient Quality Reporting (HOQR) Program Stroke and AMI Expert Work Group, developing metrics for use in value-based purchasing measures for emergency departments.

### **5.3. Law Enforcement Assessment Team**

#### **5.3.1. Project Manager — Chief Jackie Gomez-Whiteley, MA (Ret.)**

*Interim Police Chief, Alhambra in Los Angeles County, CA; and Pacific Grove in Monterey County, CA; Retired Police Chief, Cypress Police Department; Retired Lieutenant, Orange County Police Department; Program Director for California Police Chiefs Executive Leadership Institute (CPCELI) at Drucker*

Chief Jackie Gomez-Whiteley is a 33-year law enforcement professional serving with distinction in Orange, Los Angeles, and Monterey County, California. In 1986, she began her sworn career at the Orange Police Department where she served in all three divisions: Patrol, Investigations, and Administration. She was the department's first woman motor officer, as well as sergeant and lieutenant. In 1989, Jackie was involved in an officer-involved shooting of a kidnap and attempted murder suspect. As a result of her actions, she was awarded the Medal of Valor.

After 23 years at Orange PD, she accepted a position as Captain at the Cypress Police Department where she oversaw both the Operations and Support Services divisions. In 2011, she was appointed Chief of Police, the first woman to serve as Police Chief of a municipal agency in Orange County. She retired in 2015, and shortly thereafter, served as Interim Police Chief for the Alhambra Police Department. In 2019, she served as Interim Police Chief for the Pacific Grove Police Department in Monterey County.

Chief Gomez-Whiteley obtained her Master of Arts degree from Chapman University in Organizational Leadership with a certificate in Public and Non-Profit Leadership. She has a Bachelor of Arts degree from Loyola Marymount University in Psychology with a minor in Alcohol and Drug Studies. In 2007, Jackie graduated from the P.O.S.T. Command College, where she published an article in Police and Security News Magazine titled: Dirty Bombs: Calculating the Threat.

Chief Gomez-Whiteley has been an adjunct instructor at various law enforcement training centers throughout the state of California for 29 years and is Program Director for the prestigious California Police Chiefs Executive Leadership Institute (CPCELI) at Drucker. Chief Gomez-Whiteley is a volunteer and President of Officers Give Hope, a non-profit organization dedicated to hosting marrow donor drives in the public safety community throughout California. She is a member of the California Police Chiefs' Association, California Peace Officers' Association, and International Association of Chiefs of Police. Chief Gomez-Whiteley continues to serve on many boards, including Orange County Exploring Learning for Life.

#### **5.3.2. Police Operations Lead — Deputy Chief Wayne Hiltz (Ret), B.S.**

*Retired Deputy Chief, Pasadena PD. Former Interim Chief of Police at Pasadena and Irwindale Police Departments*

Wayne has 33 years of experience in municipal law enforcement. This includes a broad range of experience in nearly every facet of policing from patrol, gang enforcement, and undercover narcotics to internal affairs investigations and community relations. The last 13 years were spent at command and executive levels. In his capacity as Deputy Police Chief, he served as the chief operating officer of the Pasadena Police Department, responsible for all day to day operations including internal audits and inspections. As well, he was responsible for operations related to the Tournament of Roses Parade and Rose Bowl events to include World Cup Soccer and BCS Championship games. For a period of nearly two years, he served in the capacity of Interim Chief of Police at both the Pasadena and Irwindale Police Departments.

He has extensive experience in managing budgets and has served as a budget instructor for the California Commission on Peace Officer Standards and Training. The Los Angeles County Police Chiefs Association selected him to represent the 45-member agencies in negotiations for Homeland Security Grants for a three-year period. He also served as President of the San Gabriel Peace Officers Association. He has served on the boards of community-based organizations with focus on addressing homeless issues, substance abuse, and juvenile violence. Wayne holds a Bachelor of Science degree in Police Science and Administration from California State University at Los Angeles. Executive training includes the FBI Southwest Command College and the Senior Management Institute for Police.

### **5.3.3. Senior Associate — Chief Marilyn Diaz (Ret.), M.S.**

*Retired Chief of Police, Sierra Madre, and Retired Commander, Pasadena, California Police Department*

Marilyn Diaz began her career in 1974 as the first woman to be directly assigned as a patrol officer in the Pasadena Police Department. She rose through the ranks, and in 2006 she retired as a Commander, having led the Administrative Services and Field Operations Divisions.

In March 2006, she was appointed as Sierra Madre's Chief of Police. Chief Diaz was the first woman in Los Angeles County to become chief of a municipal police department. She retired from the Sierra Madre Police Department in December 2011.

Chief Diaz has a Master's degree in Education from the University of Southern California and earned her Bachelor's degree in Police Science at California State University, Los Angeles.

Chief Diaz has served on the boards of Women at Work, Boy Scouts of America, Pacific Clinics, and the Caltech Women's Club. She also serves as a docent for the Caltech Architectural Tour Service and is on the Caltech Women's Club Board. She served as President of the Rotary Club of Sierra Madre for 2013–2014. She teaches Youth Protection at the Rotary District level.

### **5.3.4. Senior Associate — Captain John Clark (Ret.), B.A.**

John Clark served with the Los Angeles County Sheriff's Department for more than 33 years. His broad experience includes command, administrative, operational, and tactical assignments in Patrol, Detective, Custody, Court, and Administrative divisions. The last eight years were spent at command-level posts.

As Captain, he was in command of various units including internal investigations, financial and cyber crimes, and custody operations and inmate transportation and was responsible for the administrative and operational management of each. Captain Clark also managed the Southern California High Tech Taskforce, which comprised Federal, State and local agencies, as part of his command duties.

Throughout his career, Captain Clark was a command and operations level member of a county-wide team responsible for managing all department resources during natural disasters, civil disturbances, and other high-profile events such as political conventions and sporting events. He was a member of the International Association of Financial Crimes Investigators, Southern California Jail Managers Association, Los Angeles Superior Court Management Group, and San Gabriel Valley Peace Officers Association. He served as an adjunct faculty member for a local community college. He holds a bachelor of arts degree in Criminal Justice from the California State University, Fullerton.

## 5.4. Data Assessment Lead — Dov Chelst, PhD

### *Director of Quantitative Analysis*

Dov Chelst is an expert in analyzing public safety department workload and deployment. He manages the analysis of all public safety data for CPSM. He is involved in all phases of CPSM's studies from initial data collection, onsite review, large-scale dataset processing, statistical analysis, and data report design. To date, he has managed over 140 data analysis projects for city and county agencies ranging in population size from 8,000 to 800,000.

Dr. Chelst has a Ph.D. in Mathematics from Rutgers University and a B.A. *Magna Cum Laude* in Mathematics and Physics from Yeshiva University. He has taught mathematics, physics, and statistics at the university level for nine years. He has conducted research in complex analysis, mathematical physics, and wireless communication networks, presented his academic research at local, national, and international conferences, and participated in workshops across the country.

### 5.4.1. Senior Public Safety Subject Matter Expert — David Martin, PhD

#### *Senior Researcher in the Center for Urban Studies, Wayne State University*

Dr. David Martin is Director of the Center for Urban Studies' Urban Safety Unit. He specializes in criminal justice research and program evaluation. He has had a close working relationship with the Detroit Police Department since 1993 and is currently working with Wayne State's police department on Midtown COMPSTAT, a collaborative policing and crime prevention initiative. He has developed real-time crime mapping and analysis tools to track crime, arrests, and offender recidivism in Detroit and other communities. Dr. Martin has also conducted evaluations of innovative policing projects, including evaluations of Detroit Empowerment Zone Community Policing Initiative and federally supported Weed and Seed Initiatives in the City of Detroit, City of Inkster, and City of Highland Park, Michigan. He has also conducted several recidivism studies that examine the impact of offender rehabilitation programs in Wayne County.

### 5.4.2. Public Safety Data Analyst — Shan Zhou, PhD

Dr. Shan Zhou specializes in the analysis of police data. She brings extensive experience in scientific and clinical data analysis. Prior to CPSM, she worked as an associate scientist at Yale School of Medicine. Dr. Zhou has a master of science degree in Business Analytics and Project Management from the University of Connecticut and a PhD in Cell Biology, Genetics, and Development from the University of Minnesota.

### 5.4.3. Senior Public Safety Data Analyst — Sarah Weadon, BA

Sarah Weadon has over 15 years' experience consulting with local, state, and federal government agencies in the areas of data and geospatial analysis, database and application development, and project management. She has worked with over 40 public safety agencies across the U.S. and Canada, providing data and geospatial analysis of response times, call trends, and station locations. Her skill in understanding the results of the analyses in the broader context of each client's budget, political, and overall reality, supports the development of practical, actionable recommendations. Ms. Weadon holds a bachelor's degree in Classical Languages.

### **5.1. Capacity to Assume New Business**

CPSM has adequate capacity to perform the City of Billings project along with our anticipated workload for the same time period. We routinely have several ongoing fire and police studies at any given time. In addition to our dedicated full-time staff, our personnel resources include a pool of part-time subject matter experts who provide expertise for our projects on an as-needed basis.

## 6. Required Forms

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### ATTACHMENT D

#### CONDITIONS AND NON-COLLUSION FORM


To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

##### CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to the Standard Terms and Conditions contained on the attached.

We further agree to furnish the services specified at the prices stated herein, to be delivered to the location and on that date set forth herein.

In signing this proposal, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the due date and time to any other proposer or competitor; that the above statement is accurate under penalty of perjury.

<u>Center for Public Safety Management, LLC</u>	<u> Thomas Wieczorek (Jul 20, 2020 11:16 EDT)</u>
Legal Name of Firm/Corporation	Authorized Signature
<u>475 K Street, Suite 702</u>	<u>Thomas Wieczorek</u>
Address	Printed Name
<u>Washington, DC 20001</u>	<u>Director</u>
City/State/Zip	Title
<u>July 17, 2020</u>	<u>(800) 988-3392</u>
Date	Telephone Number

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101

Analysis of Fire, EMS and Law Enforcement Services

Page 15 of 18

**Figure 9. Attachment D Conditions and Non-Collusion Form**

CPSM<sup>®</sup>

Center for Public Safety Management, LLC



**ATTACHMENT G**

**PROPOSER CONTACT INFORMATION**

**A. Company Contacts**

Primary Contact Person (Name):	Thomas Wieczorek
Title/Function:	Director
Address	475 K Street, Suite 702, Washington, DC 20001
Business Hours Phone:	(800) 988-3392
Fax:	(202) 706-6070
Internet E-mail Address:	twieczorek@cpsm.us
Name of Person Responding to Request:	Thomas Wieczorek
Title/Function:	Director
Address:	475 K Street, Suite 702, Washington, DC 20001
Phone:	(800) 988-3392
Fax:	(202) 706-6070
Internet E-mail Address:	twieczorek@cpsm.us

**B. General Company and Financial Information**

Company Name:	Center for Public Safety Management, LLC
Headquarters Address:	475 K Street, Suite 702
City, State, ZIP	Washington, DC 20001
Headquarters Phone:	(800) 988-3392
Headquarters FAX:	(202) 706-6070
Company Owned By:	Limited Partnership
Percent % Ownership:	100% ownership among three partners
Years In Business	Six years as CPSM, eight years prior as ICMA
Name of CIO	NA
Name of CEO/President:	NA

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101

**Figure 10. Attachment G Proposer Contact Information**

**Appendix**  
**National Police Services Survey**



### **Moving Communities Forward**

Perspectives that inspire change. National Research Center's gold-standard surveys and benchmarking data deliver reliable insights that guide you to action.

[n-r-c.com](http://n-r-c.com)



### **Let Every Voice Count**

Smarter, more connected communities. Polco's online civic engagement platform provides the tools you need to bring community members and leaders together.

[polco.us](http://polco.us)

# Introduction

The National Police Services Survey™ is a premier enterprise of National Research Center (NRC), Polco's consulting arm. We are very pleased to be considered to be part of an effort in Billings to engage the community around police services.

The NPSS™ provides a comprehensive and accurate picture of resident opinions related to community police services. The NPSS uses best practices in survey methods to guarantee valid findings and puts your results into meaningful context. The NPSS compares your local results with benchmarks compiled from a national survey panel.

The NPSS was developed by research experts and law-enforcement thought-leaders to produce clear, unbiased, actionable results that local governments can rely on.

- Assess perceptions of safety
- Gauge police resident interactions
- Rate quality of public safety services
- Identify public safety priorities

Let's work together and bring the voices of your practices to provide an accurate community into your important work. picture of resident opinions related to community police services.

# THE NPSS

The National Police Services Survey

## PROMOTE SAFETY BUILD POSITIVE COMMUNITY CONNECTIONS

The NPSS helps strengthen community relationships, aligns resident and government priorities and increases community safety. This comprehensive survey uses best practices to provide an accurate picture of resident opinions related to community police services and benchmarks your local results comparing them to a national survey panel.

The NPSS data can be used for:

- Communications & Engagement
- Evidence-based Decision-making and Innovation
- Disparity Analysis
- Strategic Planning and Performance Measurement
- Program and Capital Investment
- Budgeting and Fundraising
- Compliance with Public Feedback Requirements and Guidelines

The NPSS™ Basic Service includes all aspects of conducting the survey

**Survey Instrument**

**Implementation**

**Weighting and Analysis**

**Benchmark Comparisons**

**Report of Results**

**The NPSS** is a low-cost, vetted, turnkey survey.

The NPSS gathers the opinions of residents regarding their satisfaction with police services, covering areas that impact public safety and confidence in policing:

- Quality of Service
- Public Trust
- Communications
- Diversity and Inclusion
- Perceptions of Safety

Encuesta sobre Servicios Policiales de ABC

Por favor seleccione la respuesta que represente mejor su opinión para cada pregunta. Sus respuestas son anónimas y serán reportadas únicamente en forma de grupo.

1. Por favor clasifique cada uno de los siguientes aspectos sobre la calidad de vida en ABC:

	<i>Excelente</i>	<i>Bueno</i>	<i>Regular</i>	<i>Deficiente</i>	<i>No sé</i>
ABC como un lugar para vivir .....	1	2	3	4	5
ABC como un lugar para criar hijos .....	1	2	3	4	5
Sentimiento en general de seguridad en ABC .....	1	2	3	4	5
La calidad de vida en general en ABC .....	1	2	3	4	5

The City of Westminster Police Services Survey

9. Based on your most recent contact with a member of the Police Department, please rate each of the following aspects of the last employee with whom you had contact.

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>Don't know</i>
Fairness.....	1	2	3	4	5
Responsiveness to requests and/or needs .....	1	2	3	4	5
Treating all people involved in a respectful manner .....	1	2	3	4	5
Knowledge .....	1	2	3	4	5
Timeliness of handling the situation .....	1	2	3	4	5
Resolution of concerns .....	1	2	3	4	5
Overall impression of Westminster department staff member.....	1	2	3	4	5

## Communication

### Your Communication Plan

Trust in the process and anonymity are essential!

- Develop a plan to share the purpose and importance of the survey.
- Explain that it will be anonymous (data collected by an external, independent research firm).
- Encourage participation by sharing how results will be used.
- Use multiple communication to get the word out - including partnering with community organizations to do outreach on your behalf.

Increased awareness will boost the response rate and help data collection run in a timely manner.

## Data Collection

NRC will mail out postcard and letter invitations to 3,000 randomly selected households. They will use the City's logo and contain an introduction to the survey and instruction for how to complete the survey online at the Polco URL provided.

Surveys can be completed on a smartphone, tablet or computer. We recommend at least a three week window for data collection to ensure everyone can find time to participate.

All individual data will come to, and remain with, Polco to ensure anonymity.

## Opt-in survey

An opt-in online survey should be implemented after mailed-out efforts are complete. This ensures everyone in your community who wants to participate gets that opportunity. Invitations to the opt-in survey are sent by the City or department through all available communication channels. We recommend that this includes specific efforts to send communications to harder-to-reach populations, for which we will offer guidance.

## Analysis

We use documented algorithms crafted and maintained by our team of professional, academically trained, and experienced survey and data scientists. Every command is retained in a syntax file, and available for audit and re-running, as necessary.

## Benchmarking and Comparisons

In addition to providing a full set of responses to each survey question, we will include comparisons to your past year data (if available) and to national benchmarks.

NRC can provide crosstabulations of survey results by demographic or geographic areas where there are enough responses to provide meaningful comparisons.

## Making results understood and actionable

Reports and presentations must serve your organization! Our professionally designed graphics are engaging and pop with clear information. The report tells the story of the survey results in a stylish, colorful, informative and simple manner.

Reporting is layered into multiple reports to allow flexibility in providing different levels of information to residents, the media (if desired), staff, and key decision makers.

## Included in Basic Service


- **Report:** Overview of results, highlighting key findings presented in multiple graphs with comparisons to national benchmarks.
- **Technical Appendices:** contain tables showing the frequency of responses to every question and the benchmark comparisons, and a detailed description of the methods used to collect the data.
- **Trends report:** After completing your second iteration of The NPSS, we will start to include a trends report.

## Optional additions to your reporting

- ★ **Disparity Analysis:** Used to compare results and identify where local gaps in trust are greater than national trends to identify the areas where more outreach and relationship building exist. These analyses have a strong tie to the areas of diversity and inclusion which are key focus areas for many police departments across the country.
- **Demographic and/or Geographic Crosstabulations:** breakdowns in a tabular format for relevant demographic questions included on the survey and any geographics regions we track.
- **Open-ended Questions Report:** verbatim responses to each open-ended question as well as a table displaying the responses that have been categorized into themes or topic areas.

Below is a typical timeline, we can work with you to expand or compress it to best fit your needs.

## Timeline

- 
- Day 1   ⇒ Kick off meeting to align on scope, budget and goal
  - Week 1   ⇒ Get logos and signatures from your City and/or Department
  - Weeks 1-2   ⇒ Create mailing materials (invitations) and select sample of households
  - Weeks 2-3   ⇒ Create Polco Profile and program the survey
  - Weeks 3-7   ⇒ Data collection
    - ⇒ Postcard invitation (Week 3)
    - ⇒ Recruitment letter (Week 4)
    - ⇒ Reminder postcard (Week 5)
  - Week 6-7   ⇒ Begin opt-in survey recruitment (you send out invitations through your communication channels and with help from your partners, to invite all your residents to participate in the survey)
  - Weeks 8-11   ⇒ Data is weighted, analyzed and draft report posted on Polco for your review (this is not publically shared unless you request it)
  - Week 11-12   ⇒ Finalization of report

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** 2021 Unified Planning Work Program (UPWP)

**PRESENTED BY:** Scott Walker

**Department:** Planning & Community Services **Division:** Planning

---

**RECOMMENDATION**

Staff recommends the City Council accept the 2021 UPWP as submitted and instruct PCC Designee Mayor Cole to give a positive recommendation to the Policy Coordinating Committee.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The City-County Planning Division is presenting the 2021 Unified Planning Work Program (UPWP) for the Billings Metropolitan Planning Organization (MPO) for City Council review and recommendation to the Billings Policy Coordinating Committee (PCC). The UPWP was presented at the Council's August 3 Work Session and staff is asking the Council to approve the UPWP and forward a recommendation of approval to the PCC at this meeting.

The UPWP is primarily for the purpose of programming the federal dollars that Billings receives from the Federal Highway Administration (FHWA) for transportation planning and the Federal Transit Administration (FTA) for transit (MET) planning. These funds are passed through the Montana Department of Transportation (MDT). All transportation planning activities are included in the UPWP so that it represents a comprehensive document for the urban transportation planning program.

This UPWP proposes planning activities for Federal Fiscal Year 2021, which runs from October 1, 2020, through September 30, 2021. This UPWP corresponds directly with the Planning Division's annual work plan. The significant changes in this year's program include an update to the Community Transportation Safety Plan, an update to the Billings Safe Routes to School Plan, and initiation of the North Bypass Corridor Study. The Transit section is located in Chapter II of the UPWP. The document is consistent with past programs in its content and format.

**ALTERNATIVES**

City Council may:

- Accept the document as submitted and instruct Mayor Cole to give a positive recommendation to PCC; or
- Make amendments to the program document and instruct Mayor Cole to give a positive recommendation with amendments to PCC; or
- Reject the program and instruct Mayor Cole to give a negative recommendation to PCC. Rejection of the UPWP would mean a significant reduction in funding to complete planning activities in Billings and Yellowstone County, and would affect staff, resources, future transportation planning processes and programs.

**FISCAL EFFECTS**

Approval of the 2021 UPWP allows the City to access Federal funds for transportation planning in the community. Federal and local funds are combined to provide most of the planning work done by the Planning Division for the City and the County. If the UPWP is not approved, there would be a significant loss of resources for community planning and the community's ability to manage transportation planning projects and programs would be severely limited. The City's approved FY21 budget estimates \$960,000 in direct revenue to the Planning Division in Federal fund from this program.

The breakdown of funding sources for the FY 2021 UPWP is estimated below:

\$250,000 Planning Dept. Fee Revenue (City of Billings)  
\$75,000 Planning Dept. Fee Revenue (Yellowstone County)  
\$503,000 Yellowstone County Planning Levy  
\$1,828,800 Federal Planning (PL) Allocation  
\$2,656,800 Total Program Funding (UPWP)

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## **Attachments**

Draft 2021 UPWP

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# **Billings Urban Area**

Unified Planning Work Program

(UPWP)

**Federal Fiscal Year**

**DRAFT**

**2021**

Prepared By:

Billings/Yellowstone County Planning Division  
2825 3rd Avenue North, 4th Floor  
Billings, Montana 59101

In Cooperation With:

Montana Department of Transportation  
Federal Highway Administration  
Federal Transit Administration



# UNIFIED PLANNING WORK PROGRAM

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## INTRODUCTION

The Billings Urban Area planning process is organized and conducted in a cooperative, coordinated, and comprehensive manner. The Yellowstone County Board of Planning, as the designated Metropolitan Planning Organization (MPO), is charged with the responsibility of administering the planning process. Under federal regulations, an MPO must be established for urban areas with populations greater than 50,000 in order to receive federal funds for construction projects and transportation planning. This document, the Billings Urban Area Unified Planning Work Program (UPWP), and a companion document, the Prospectus, is the foundation upon which the planning process is based.

The UPWP is developed each year, and once adopted and approved by FHWA and FTA, is in effect from October 1 to September 30. The UPWP contains a task by task discussion of projects, which are to be undertaken during the program year. It also contains appropriate funding information, staffing information, and a schedule for each project. The UPWP undergoes a comprehensive review at the local, state, and federal levels each year.

This year, Federal Fiscal Year 2021, the format for work program activities conforms to Federal Transit Administration (FTA) Circular 8100.1C, specifically Chapter IV. The Montana Department of Transportation and the Yellowstone County Board of Planning have mutually agreed upon use of this format.

The UPWP is a detailed description of projects, which occur on a routine basis. Once adopted, the document is only amended if there is a change in the planning process. The UPWP also contains information pertaining to the organization of the planning process, agencies involved, and agreements between agencies involved in the process.

Cost overrun guidelines have been established by the Montana Department of Transportation, and agreed to by the Yellowstone County Board of Planning. Those guidelines will determine the allowable overruns for any work program element. Overruns that surpass those outlined in the guidelines will require a UPWP amendment.

This document includes two chapters, Highway and Transit. Each chapter contains individual work elements. These work elements describe work the planning and transit staff will undertake in the program year as well as work accomplished in the past year. Also included is a breakdown of funding sources which include, Planning (PL) funds and Local (City & County) funds which are used to provide funding for non PL eligible activities. Priorities this year include implementing the 2018 Long Range Transportation Plan, the 2018 Public Participation Plan, an update of the School Sidewalk Program, continuing work on the Downtown Area Traffic Circulation and Safety Study, and other projects.

### **DATES OF LOCAL APPROVAL**

TAC –7/23/20

PLANNING BOARD –8/11/20

COUNTY COMMISSION –8/4/20

CITY COUNCIL –8/10/20

PCC –8/18/20

**CHAPTER I**  
**YELLOWSTONE COUNTY BOARD OF PLANNING**

**SECTION I UNIFIED PLANNING WORK PROGRAM**

**41.11.100 PROGRAM SUPPORT & ADMINISTRATION**

<b>100 PROGRAM ADMINISTRATION (4301)</b>
--

**OBJECTIVE**

- To administer the area-wide planning process.
- To support the Board of Planning and other Boards, Commissions, and the City Council and County Commissioners in decision-making activities in the planning process.
- To engage in administrative and financial actions related to identified planning activities and to prioritize those activities.
- To enhance staff skills and maintain staff exposure to the "state-of-the-art" in planning practice and computer software.
- To maintain contact with, provide input to, and receive feedback from various local, state and federal agencies, committees and groups during the planning process.

**ACCOMPLISHMENTS - FISCAL YEAR 2020**

Conformance with federal, state, and local administrative and regulatory requirements, as well as maintenance of planning operations was achieved for FY20.

Members of the planning staff attended various professional meetings, workshops, and conferences at which planning, transportation, transit, bicycle/pedestrian and related topics were presented and discussed.

Specifically, the City-County Planning Division (Planning Division) and members of other local, state and federal departments and agencies actively participated in a diverse set of local meetings, including the Billings Technical Advisory Committee (TAC), Policy Coordinating Committee (PCC), Billings & Yellowstone County Zoning Commissions and Boards of Adjustment, Board of Planning, City Annexation Committee, City Development Process Review Committee, Community Development Board, Traffic Control Board, Bicycle and Pedestrian Advisory Committee, Historic Preservation Board and others. Grant writing for the Division was completed under this work element. The coordination and administration of the TA Program applications and local approvals are administered through this work element.

Planning staff received updates in computer software programs for the geographic information system and its application to mapping data layers such as streets, land use, address, ownerships and environmental data. This year, GIS staff has included the TAZ information to the Planning layers. This allows staff to identify individual TAZ's and the associated data. Staff regularly utilizes an application tracking and project management software system that integrates the existing City building permit, finance and land management software, as well as coordinated subdivision and development project

reviews across City and County departments. Staff also reviewed/updated the City Annexation Policy and Limits of Annexation Map, and assisted in updates to the City's Capital Improvement Plan. Implementation of the City's Complete Streets Policy is ongoing with the continued collection of data to be incorporated into the Complete Streets Status Report that is updated and published every three years, including in calendar year 2020. Implementation of the Billings Community Transportation Safety Plan will continue with reporting to MDT required.

Due to COVID-19, the City-County Planning Division had to alter the way business is conducted. Deemed an essential business, the Division remained available to continue business with some alternate operations. The Planning & Community Services Department was closed to the public starting on March 23; to accommodate the public, the first floor conference room was converted to a drop off/pick up location for building permits, applications and requests for information. In addition, online permitting and project applications (zoning/subdivision) were implemented to accommodate residents. Also, staff alternated from working from home and in the office with limited total staff present in the office. On June 10, the offices re-opened to the public but staff continued to limit time in the office with some teleworking. The offices installed approved CDC safety materials with shields, social distancing guidance and staff wearing protective masks while meeting customers or in common areas. Most meetings are being scheduled via phone or video conferencing. These current operations will remain in effect until further notice.

Other COVID-19 activities will be identified and discussed in further sections as it may affect the conducting of business and travel/training.

## **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

All administrative functions of the Planning Division will be performed under this work element. Program management activities will include, but not be limited to the following:

1. Correspondence
2. Public Relations
3. Employee Guidance, Supervision, and Training
4. Program Organization and Management
5. Consultant Liaison Activities
6. Staff Meetings
7. Negotiations
8. Preparation of Contracts
9. Staff Training
10. Performance Monitoring
11. Office Equipment Acquisition
12. Budget Management and Administration

New federal regulations require that performance measures and goals be established to monitor the performance of the region's transportation system.

The MPO will work with federal, state and local agencies to improve current performance tracking methods. Performance measures will be tracked on the MPO website and regular reporting will be provided to the Transportation Policy Coordinating Committee, MPO committees and the general public depending on the availability of related data.

### **PL Eligible Activities**

- As per the MPO's public participation plan and ongoing public outreach efforts, the planning staff will make available the documents and guidelines for transportation planning activities to the community, as well as keep abreast of federal and state requirements as they relate to the overall planning processes. These activities may include distribution of the Billings Area Bikeway and Trail Master Plan to community organizations or individuals, distribution of the current Billings Area Tour Map for bicycle and pedestrian users and visitors, distribution and explanation of the latest Billings Urbanized Area Traffic Count Map and Bicycle Count Map, explanation and distribution of the MPO's public participation plan to groups involved or interested in transportation planning processes in the community, and explanation and information dissemination of the TA or other grant programs to possible project applicants in the community.
- Staff will update the PL & Memorandum of Agreement as necessary to meet the requirements of the FAST Act.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation (MDT) in order to maintain federal funding support.
- The FY 2021 UPWP will be continually appraised and monitored in terms of content and budget allocations and will be revised when deemed necessary.
- The Fiscal Year 2022 UPWP will be developed under this work element.
- The Board of Planning, Board of County Commissioners and City Council will be kept informed of the activities of the staff and its progress in completing the approved UPWP.
- Staff will be involved in update and implementation of the Community Safety Plan for the Billings Urban Area.
- All planning staff will participate in recognized and approved training programs in order to improve staff skills and capabilities. Planning expertise will be maintained through enrollment in appropriate planning and transportation-related courses at area colleges, workshops, seminars, webinars and conferences. This activity may be affected by COVID-19; alternative training activities will be explored.
- Staff will adapt software programs to effectively utilize traffic data and continue computer-training programs.
- The use of PL funds for out-of-state travel and/or registration fees for the above or other purposes will continue to be subject to prior approval of MDT.
- The TA Program administration will be funded through this work element.
- Fixing America's Surface Transportation (FAST) Act or new replacement legislation will be reviewed so staff may become familiar with changes affecting the metropolitan planning process.
- The Active Transportation Planner position is operating at approved full time status. This planning position is funded out of several work elements (100, 200 and 300).
- Grant writing services will continue to be incorporated within the department.
- Planning activities pertaining to Bicycle-Pedestrian in this work element will include:
  - Work field inspections, handle complaints and investigate problem areas of the Bike/Pedestrian system.
  - Presentations as needed.

### **Locally Funded Activities**

- General administrative activities will include maintenance of files, library documents, daily correspondence and preparation of necessary periodic reports.
- Interagency committee participation is included in this work element.
- All staff members will continue to participate in and encourage increased cooperation between state and local agencies, departments and governing bodies.

- The Planning Division will serve both as a coordinator of and a participant in meetings and committees.
- Planning Division involvement will include participation with such agencies as the Housing Authority, Big Sky Economic Development (BSED), Air Pollution Control Board, RiverStone Health (City-County Health Department), Healthy by Design, legislative study committees, and other agencies.
- Staff will also continue a summer intern program as interest and needs arise; oversight of these individual(s) will take place in this work element.
- Staff will continue to implement long-term document storage through virtual servers and cloud storage platforms.

**STAFFING**

26 Staff Months – City/County Planning

**FUNCTIONAL AGENCY RESPONSIBILITY**

The Planning Division will be responsible for administering the area-wide planning process for the City and County.

**PRODUCT**

- An ongoing administrative program focused primarily at effective and expeditious implementation of this UPWP.
- The continual enhancement of the Planning Division staff skills and knowledge.
- Maintenance of a coordinated, comprehensive, and cooperative planning process that is endorsed and supported by the local community.
- The development of the FY22 UPWP.

**FUNDING SCHEDULE - ADMINISTRATION**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

<b>FUNDING SOURCE</b>			
<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$210,100	\$171,900	\$382,000
<b>TOTAL</b>	<b>\$210,100</b>	<b>\$171,900</b>	<b>\$382,000</b>

<b>DISBURSEMENT PERCENTAGE</b>			
<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	55	45	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

<b>FUNDING SOURCE</b>			
<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$231,000	\$189,000	\$420,000**

TOTAL	\$231,000	\$189,000	\$420,000**
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\*The matching ratio is Federal PL--86.58% and State match-13.42%.

\*\* Record Keeping via virtual servers and cloud storage - \$7,000, Computer Upgrades that includes 6 Laptops for employee telework use - \$16,000.

<b>101 SERVICE (4302)</b>
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**OBJECTIVE**

- To coordinate the dissemination of information and exchange of ideas between planning agencies and the interested public, decision-makers, and other departments, agencies, and organizations as related to the Billings MPO.

**ACCOMPLISHMENTS - FISCAL YEAR 2020**

Members of the planning staff were involved in a wide range of service tasks. Planning services included presentations related to roadways and alternative transportation, responding to citizen inquiry and complaints regarding streets, subdivision layout, site distance, zoning request, conformance with the 2018 Transportation Plan Update and the Billings Area Bikeway and Trails Master Plan, City of Billings 2016 Growth Policy, the Lockwood Growth Policy and various neighborhood and community plans.

Staff presented transportation planning information to its organization and agency partners as needed for educational and decision making purposes. Planning staff also shared information with the community and stakeholders throughout the development of several planning efforts. The Billings MPO hosted 5 webinars covering a variety of topics including transportation and mobility related topics. Our webinar series was limited due to COVID-19 and the need to social distance.

**PROPOSED ACTIVITIES - FISCAL YEAR 2021**

**PL Eligible Activities**

- Staff hopes to continue to organize (based on COVID-19 and social distancing requirements) a very successful series of webinars and “brown bag lunch” seminars on a wide range of planning topics, including multi-modal transportation planning and funding, collaborative community planning techniques and planning for sustainability as well as various Institute of Transportation Engineers, Project for Public Spaces, Sustainable Communities, and Federal Highway Administration webinars.
- Staff is also targeting webinars which educate staff and public on the transportation planning process and funding as related to the operation of the MPO.

**Locally Funded Activities**

- Staff will continue to develop and use website tools to enable citizens to access information on upcoming planning activities, board and commission meetings, and recent land use applications, as well as interact with various planning processes through email notification and online comment programs. Staff will look at implementing citizen access to the Questys System software for access to historical data related to transportation, zoning and other planning applications.

- Continue increasing community and agency awareness of the interrelationships between land use development and transportation needs through dissemination of information and drafting of planning documents that incorporate both elements together.

**STAFFING**

3.5 Staff Months – City/County Planning

**FUNCTIONAL AGENCY RESPONSIBILITY**

As Assigned.

**PRODUCT**

- A responsive and flexible planning process utilizing staff capable of providing short-term findings and recommendations, as well as ongoing customer service to the public on all levels of planning projects and regulations.
- Provide transportation related webinars to staff, local officials and general public to educate on current transportation issues. These webinars are scheduled on a monthly basis and anticipate 5-10 person viewings per showing. This number can fluctuate depending on the topic. Staff participation is anticipated to be 4-5 persons at these viewings. Webinars to the public will be monitored based on current health conditions with COVPD-19.
- In addition to the transportation specific webinars, staff also provides general planning webinars that are advertised to all city staff, local officials and the general public. These webinars are scheduled routinely and can include up to 3 webinars a month. Participation anticipated at these webinars is 5-10 person per viewing. This number can fluctuate depending on the topic. Staff participation is approximately 3-5 per viewing contingent on scheduling. Webinars to the public will be monitored based on current health conditions with COVPD-19.

**FUNDING SCHEDULE - SERVICE**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

AGENCY	PL	LOCAL	TOTAL
MPO	\$21,000	\$21,000	\$42,000
TOTAL	\$21,000	\$21,000	\$42,000

**DISBURSEMENT PERCENTAGE**

AGENCY	PL	LOCAL	TOTAL
MPO	50	50	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$22,000	\$22,000	\$44,000
TOTAL	\$22,000	\$22,000	\$44,000

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **102 CITIZEN INVOLVEMENT (4303)**

### **OBJECTIVE**

- To solicit information concerning community values and goals and to receive community input into the development of plans and projects.

### **ACCOMPLISHMENTS - FISCAL YEAR 2020**

Numerous meetings with service clubs, civic groups, and professional organizations were attended by staff members to discuss all facets of local planning. The Planning Board used extensive public input to review and receive comments on a wide range of planning issues throughout the City and County. Meetings of neighborhood task force organizations and neighborhood advisory committees were also attended as requested to answer questions and review long-range planning issues, particularly related to transportation planning and projects, as well as code enforcement complaints. Projects specifically related to citizens and citizen boards included the update to the 2018 Long Range Transportation Plan, the update to the 2018 Public Participation Plan and the development of the Billings Urban Traffic Model.

The City-County Planning Division developed alternative ways to ensure citizen participation in current planning projects, even during the COVID-19 pandemic. Projects include zoning and subdivision applications, sign and fence permits, and long range planning projects including Project Re-Code that was just starting its final review and adoption schedule when the virus hit its peak. Project Re-Code was delayed to ensure opportunities for citizen participation through multiple platforms. In addition, at this same time the Downtown Billings Traffic Study had just begun. The Consultant, Dowl, had to create alternative means to conduct this heavily public participation project. Virtual meetings, recorded information for Facebook and YouTube, and other platforms were used.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

#### **PL Eligible Activities**

- Outreach to the public and all affected jurisdictions for ongoing transportation projects, including but not limited to several MDT planning and construction projects such as the North Billings Bypass, short and long term planning for rail traffic mitigation in downtown Billings, 6<sup>th</sup> Street Underpass project and several MPO projects. The MPO has several projects that will be completed and initiated this upcoming year including the completion of the Downtown Billings Traffic Study, the 5<sup>th</sup> Avenue Corridor Feasibility Study, North Billings Bypass Corridor Study, Bike/Scooter Share Transportation System Impact Study, and the Complete Streets Progress Report. New studies this year include an update to the 2016 Community Transportation Safety Plan and an update to the Safe Routes to School Plan.
- The staff will continue to support the Bicycle and Pedestrian Advisory Committee. The Committee is responsible for forwarding recommendations to the Planning Board and governing bodies on bicycle safety, bike lanes, pedestrian safety and access, and other matters. The group will be involved in the nomination and review of TA Program eligible projects, bicycle and pedestrian signing and safety projects, grant applications for non-motorized transportation projects, and community education and outreach on bicycle and pedestrian safety within the MPO.
- TAC and PCC meetings will be held and meeting information disseminated as necessary.

- Staff will continue to update and maintain the MPO’s website to provide the most current up to date information to the community.
- Staff will utilize web-based GIS and web mapping software for assistance in transportation planning.
- Some of the specific projects that will involve community participation include the completion of the Downtown Billings Traffic Study, 5<sup>th</sup> Avenue Corridor Study, North Billings Bypass Corridor Study, Bike/Scooter Share Feasibility Study, the Complete Streets Progress Report, the Community Transportation Safety Plan Update and the Safe Routes to School Plan update.

**Locally Funded Activities**

- Meetings with various citizen groups will be coordinated and attended for the purpose of soliciting information and ideas on a broad range of planning issues within the Billings Urban Area and throughout Yellowstone County.
- Community participation using new tools and techniques will also be included in all planning studies proposed within this document.
- Staff will utilize web-based GIS and Web mapping software for assistance in land-use planning.

**STAFFING**

4.0 Staff Months – City/County Planning

**FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

**PRODUCT**

- A comprehensive and coordinated solicitation and collection of public opinions in order to accurately reflect the preferences and priorities of the citizens within the Billings Urban Area.
- An enhanced integrated web-based public participation software that includes MPO and generally planning projects and procedures and other pertinent information.

**FUNDING SCHEDULE - CITIZEN INVOLVEMENT**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$34,000	\$34,000	\$68,000
<b>TOTAL</b>	<b>\$34,000</b>	<b>\$34,000</b>	<b>\$68,000</b>

**DISBURSEMENT PERCENTAGE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	50	50	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$35,000	\$35,000	\$70,000
<b>TOTAL</b>	<b>\$35,000</b>	<b>\$35,000</b>	<b>\$70,000</b>

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## 41.12.200 GENERAL DEVELOPMENT & COMPREHENSIVE PLANNING

### 200 Community Planning (4304)

#### OBJECTIVE

- To maintain records and make projections of population and dwelling unit data, land use information, employment data, and to maintain adequate financial records, files and reports.
- To provide current, accurate information pertaining to the quantity of residential, commercial, industrial, and public land in the MPO and across the County.
- To summarize and analyze development trends and to provide visual information to the City Council, County Commission, Planning Board and the public during the public input process for transportation and land-use decision making.
- To recommend implementation of the goals, policies, and strategies of the adopted 2016 City of Billings and Lockwood Growth Policies.
- Implementation of Long Range Transportation Plans and Planning Studies.
- The current ten planning factors have been reviewed and incorporated in this UPWP. The factors are:
  - 1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
  - 2) Increase the safety of the transportation system for motorized and non-motorized users;
  - 3) Increase the security of the transportation system for motorized and non-motorized users;
  - 4) Increase the accessibility and mobility of people and for freight;
  - 5) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
  - 6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
  - 7) Promote efficient system management and operation;
  - 8) Emphasize the preservation of the existing transportation system.
  - 9) Improve the resiliency and reliability of the transportation system and reduce or mitigate stormwater impacts of surface transportation; and
  - 10) Enhance travel and tourism.

#### ACCOMPLISHMENTS - FISCAL YEAR 2020

The 2010 Census and most recent American Community Survey (ACS) data has been updated and placed in various databases as it has become available. Data gathered and updated included annual information related to population estimates for city and counties within the State of Montana. This annual information is used by the public and public agencies for planning purposes. The ACS is accessed for review and dissemination, and updated information released by the US Census Bureau in regards to commuting patterns. Other data gathered includes:

- Building Permits, Demolition Permits, Electrical Permits, Subdivision Applications, Zoning Applications, Special Reviews, Variances, temporary use permits, sign permits, zoning

compliance permits and zoning clarification documents, annexation data, population trends, land use trends, school enrollment, employment data and general economic indicators.

The planning staff continues to review the 2010 Census data and the 2017 ACS figures and estimates for population and demographic data. Census information is made available to various local agencies and organizations and to the general public. The data is used for developing reports, grant applications and planning documents such as Transportation and Land Use Plans and for projects like the Recreational Trails Program Grant and other grants as needed.

The City-County Planning Division, on behalf of the Billings MPO, is responsible for preparing a Complete Streets Progress Report every three years. This direction was outlined in the City of Billings Complete Streets Policy: “The City will periodically collect, review and report performance data and benchmark measurements to demonstrate the effectiveness of the policy.” This effort was completed with the first-ever Billings Complete Streets Benchmark Report prepared in 2013. An update to the Progress Report was completed in December of 2017 and included updated data sets and information regarding the performance of the Complete Streets Policy. Several datasets, including the general land use map of the County were updated so as to maintain an inventory of existing conditions. This information was utilized in various planning studies and provided to other departments and the general public. The MPO has been working on a report update in FY20 with the final report coming out in FY21.

Zoning data developed in element 204 for the entire City and County zoning jurisdictions was provided to neighborhood task force groups and others as requested.

Numerous other special purpose maps were prepared for meeting purposes including bicycle trail maps, annexation maps, estimated development density maps and tables for the Limits of Annexation Map area, and other project influence areas. Natural resource, 2010 Census, and jurisdictional boundary information was updated or developed. Traffic count station locations were geo-positioned and linked with the City-County traffic count matrix. The City also upgraded its internal mapping system with an ArcGIS product that makes access to the most current property data and aerial photography better and easier for staff when researching existing conditions of transportation corridors and adjacent property. The new system provides a robust City GIS base map for use in application reviews, transportation planning efforts, and general customer inquiries. Ongoing review and implementation of sub-area neighborhood and transportation plans, and other planning documents was carried out by staff.

2020 is a Decennial Census year; the City-County Planning Division was identified as lead for the County’s Complete Count Committee. Staff developed a committee of community leaders to help guide the completion of census forms for a good count of the county. The City of Billings took the lead by providing funds to carryout census activities. This included purchasing promotional materials, banner display during the Census kickoff (April 1) and advertisement. Again, due to COVID-19, many of the promotional materials were unable to be handed out due to public meeting cancellations. Last check on July 9 showed that Yellowstone County had a 69.8% response rate. Montana overall is ranked 46 in response rate.

## **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

### **PL Eligible Activities**

- The new web-based GIS software is compatible with available datasets and utilizes the existing data sets more effectively. The GIS will be utilized to develop a series of maps, including

existing and proposed pedestrian trail routes and projects in the community, maps to implement the Long Range Transportation Plan, updates to a preferred growth area map in conjunction with the City's Limits of Annexation Map, mapping of focus areas for implementation of the City's Infill Development Policy, and others.

- The City has also rolled out a new web-based system that works with the City's electronic project tracking and management system to provide a visual map view for staff and the public of the location of building permits that have been approved or are under review by the City. This web-based system will assist staff in identifying areas of impacts to the transportation system, specifically managing access.
- The planning staff, under the direction of the Board of Planning, will continue to work on long-range planning projects according to the priorities established by both the City of Billings and Yellowstone County. In particular, the continuing implementation of the South Billings Master Plan, the 2018 Long Range Transportation Plan Update, and the 2016 Bikeway and Trails Master Plan.

Work related to Bicycle-Pedestrian activities in this work element will include:

- Work with staff to insure a bike/pedestrian friendly community.
- Review of proposed subdivision for non-motorized transportation connectivity.

### **Locally Funded Activities**

- Staff also will continue to work with the Big Sky Economic Development (BSED) to implement the Master Plan for the East Billings Urban Renewal District (EBURD), the Hospitality Corridor Planning Study, the Exposition Gateway Concept Plan and the South Billings Boulevard Urban Renewal District (SBBURD) Master Plan. The plans include detailed analysis of the transportation and land use connections in the area and promote sustainable development projects.
- Staff plans to work with the City, County, BSED, and neighborhood groups to identify planning needs in various parts of the urbanized area.
- Continued maintenance and update of socio-economic and land use data for both transportation and comprehensive planning activities will continue in 2020, with 2010 Census information and the newly released 2018 American Community Survey data.
- Various GIS databases and layers will continue to be developed and centrally maintained, including information on neighborhoods, community assets, route planning, trail systems and transportation plans.
- The new web-based system tracking and managing projects will include application information on zoning and subdivision applications.

### **STAFFING**

21 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

**PRODUCT**

- Various reports, files, and projections of socio-economic data necessary for current transportation and comprehensive planning activities, as well as support of City/County economic development activities.
- An ongoing GIS database/mapping system for the City of Billings and Yellowstone County.
- Ongoing updates to the preferred growth areas mapping and analysis for the City, implementation of the City Infill Development Policy, SBBURD Master Plan, the 2018 Long Range Transportation Plan Update, 2018 Public Participation Plan, the Downtown Area Traffic Circulation and Safety Study, Wayfinding Sign Plan, and the Heritage Trail Tour Map and App.

**FUNDING SCHEDULE - COMMUNITY PLANNING**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$73,500	\$171,500	\$245,000
<b>TOTAL</b>	<b>\$73,500</b>	<b>\$171,500</b>	<b>\$245,000</b>

**DISBURSEMENT PERCENTAGE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	30	70	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$77,100	\$179,900	\$257,000
<b>TOTAL</b>	<b>\$77,100</b>	<b>\$179,900</b>	<b>\$257,000</b>

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **204 ZONING ADMINISTRATION (4308)**

### **OBJECTIVE**

- To oversee, interpret and enforce current City and County zoning regulations.
- To effectively administer the regulations and provide efficient service to the elected officials and the public.
- To maintain current zoning and land use information for all zoned property within the jurisdiction of the Billings Metropolitan Planning Organization to use in long-range transportation planning studies, traffic analysis, and transportation projects.

### **ACCOMPLISHMENTS - FISCAL YEAR 2020**

During the past year, all applications for zone changes, special reviews, variances, and planned developments were reviewed and processed by the planning staff. Reports and recommendations were prepared on each case to the various boards, commissions, and governing bodies. Digital photos are now incorporated into all zoning reports and Microsoft Power Point presentations are given to all boards and commissions. Staff is in the process of ongoing scanning of historic zoning files in preparation of future citizen access through a new archiving system software. All applications for building permits were also reviewed for compliance with City and County zoning regulations. Special zoning studies and ordinance updates were prepared as requested by the governing bodies. These included making a series of zoning code amendments to bring the regulations into compliance with changes in State Law and changes driven by community interests.

Staff coordinated with the County GIS Department to ensure that all zone changes within the Billings MPO area were reflected on GIS online and printed maps to ensure land use information was current.

A significant amount of time was also spent assisting the public with general zoning questions. The status of all active zoning applications is now posted on the City/County Planning websites.

The large undertaking of completely re-writing the Zoning Code started in early 2018 and is expected to be completed by the end of 2020. This included separating the Unified Zoning Code into separate codes for the City and County.

The City Zoning Commission is beginning a series of public hearings on the Public Review Draft Code in July. The County Zoning Commission will start their series in August. At least one joint hearing with both City & County Zoning Commission will happen in September to review some site development sections that are similar for both jurisdictions – Signs, Landscaping, and Off Street Parking. We will have at least one hearing on the Map update. We expect to conclude the Zoning Commission hearings and have recommendations to the governing bodies – City Council and Board of County Commissioners – in Oct/Nov with eventual adoption before the end of 2020. The Project ReCode web page is still active and most information is found on this page <https://project-recode.com> including the complete Public Review Draft (one for the city and one for the county), the side-by-side comparison map, outreach materials and project announcements.

## **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

### **PL Eligible Activities**

- Zoning, Special Review, and Variance applications will be reviewed for land use compatibility, traffic, access, and overall site design. The new Billings Travel Demand Model will be used to evaluate new roadway improvements including but not limited to links, lane changes, transit changes, and addition of bike/pedestrian facilities.
- Staff will continue to maintain its zoning maps and land use information so that it is applicable to long-range transportation planning efforts in the Billings MPO. This information is regularly applied to a variety of MPO functions, including corridor analysis efforts like those involved in the Billings Bypass project, specific road projects, TA program applications and non-motorized grant applications.
- Staff will continue the update to the Zoning Code. It is anticipated the new code will be adopted and implemented by fall of 2020.

### **Locally Funded Activities**

- Carrying out the day to day activities required to effectively administer the zoning regulations as well as ensure that land use information is current and available for all long-range transportation planning efforts, including Transportation Plan updates, specific road projects, corridor studies and the North Bypass project.
- Activity in 2021 will include ordinance updates as required by State law or requested by the public or governing bodies.
- All zone change applications will be reviewed for compliance with local plans.
- Staff will continue the update to Zoning Code based on fulfilling policy goals set by the local governing body including Growth Policy, Neighborhood Plans, Complete Streets and Infill Policies.

## **STAFFING**

10 Staff Months – City/County Planning

## **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

## **PRODUCT**

- Effective zoning regulations and administration for the City of Billings and Yellowstone County. Effective enforcement of the zoning regulations for Yellowstone County.
- Online submittal capability for certain zoning permits, i.e. sign and fence will increase efficiency and convenience for applicants.

**FUNDING SCHEDULE - ZONING ADMINISTRATION**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$29,000	\$116,000	\$145,000
<b>TOTAL</b>	\$29,000	\$116,000	\$145,000

**DISBURSEMENT PERCENTAGE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	20	80	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$30,400	\$121,600	\$152,000
<b>TOTAL</b>	\$30,400	\$121,600	\$152,000

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **205 SUBDIVISION ADMINISTRATION (4309)**

### **OBJECTIVE**

- To maintain the current City and County subdivision regulations and ensure that they are updated when changes in State law occur.
- To effectively administer the regulations and provide efficient service to developers, engineers and surveyors, elected officials, and the community.
- To ensure that development is occurring with minimal negative impacts to the community and that subdivisions are designed to be safe and long lasting in the community.
- To evaluate traffic accessibility studies, general circulation data, and ensure conformity with the Functional Classification Map and associated elements of the Long Range Transportation Plan when a subdivision application is submitted.
- To collect, manage, and apply subdivision development information for long-range transportation planning activities for the MPO – including but not limited to updates to the transportation plan and maintenance of inputs for traffic modeling.

### **ACCOMPLISHMENTS - FISCAL YEAR 2020**

The Board of Planning and the planning staff reviewed all preliminary major and minor plat applications. Numerous conceptual and pre-application meetings were coordinated and attended by staff. All final plats were reviewed and processed. Also, a significant amount of time was spent assisting the public with general subdivision questions. Updates to the City and County Subdivision Regulations due to legislative changes were drafted and approved.

Staff collected and compiled information on the details of each new subdivision in terms of numbers of lots and land area slated for development. This information is integral to any transportation plan updates or long-range transportation planning efforts undertaken by the MPO in the community to determine population growth and location of residents and commercial services that affect the transportation system. This involved monthly subdivision activity reporting and periodic reviews of new development locations. This is also considered in relation to the TA program and when the MPO pursues grants for non-motorized transportation projects in the community.

The MPO continues to implement and enforce the Suburban Subdivision Regulations that require property currently outside the city limits but within the County Zoning Jurisdiction that may be annexed in the future to develop at city standards for infrastructure such as curb, gutter, sidewalk, etc. This new procedure has been a positive to residential development on the city fringe areas.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

#### **PL Eligible Activities**

- Staff will review all subdivisions for compliance with the Billings Area Long Range Transportation Plan, and for conformity with the Billings Area Bikeway and Trails Master Plan, Lockwood Transportation Plan, Blue Creek Transportation Plan, and other neighborhood and community transportation plans as applicable. The new Billings Travel Demand Model will be used to evaluate new roadway improvements including but not limited to links, lane changes, transit changes, and addition of bike/pedestrian facilities.
- Staff also will continue to collect information on the details of each new subdivision as an integral data source for long-range transportation planning efforts undertaken by the MPO. The MPO expects to use this data in 2021 for a variety of projects, including the implementation of the Long Range Transportation Plan, the Bike/Ped Plan and continued analysis for the North Bypass.

**Locally Funded Activities**

- All subdivision applications will be reviewed for compliance with local and state subdivision law.
- To carry out the day to day activities required to effectively administer the subdivision regulations, and to keep the regulations current.
- Continued implementation of the Suburban Subdivision Regulations within the County Zoning Jurisdiction area.

**STAFFING**

11.5 Staff Months – City/County Planning

**FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

**PRODUCT**

- An effective subdivision review process with regard to local and state law, the Growth Policy, and the Billings Area Transportation Plan.
- Correctly identified street segments in alignment with the 2018 Transportation Plan Functional Classification Map.

**FUNDING SCHEDULE - SUBDIVISION ADMINISTRATION**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$43,500	\$101,500	\$145,000
<b>TOTAL</b>	<b>\$43,500</b>	<b>\$101,500</b>	<b>\$145,000</b>

**DISBURSEMENT PERCENTAGE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	30	70	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021****FUNDING SOURCE**

<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$45,600	\$106,400	\$152,000
<b>TOTAL</b>	<b>\$45,600</b>	<b>\$106,400</b>	<b>\$152,000</b>

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **41.13.300 LONG RANGE TRANSPORTATION PLANNING**

### **300 TRANSPORTATION SYSTEM DATA (4310)**

#### **OBJECTIVE**

- To develop and maintain current transportation system data files and records.
- To provide transportation planning and data information to City and County staff, elected officials, developers, engineering firms, and the general public.

#### **ACCOMPLISHMENTS - FISCAL YEAR 2020**

The traffic count program for FY 2020 was completed. Travel times/delay/speed studies were completed, calculations computed, and level-of-service values determined. This data was used for various planning and engineering projects throughout the year. In addition, the public commonly requests this data for land use planning.

Staff participated in the update of the City of Billings Capital Improvement Plan (CIP). Crash information was compiled and analyzed. Crash data is also used in many of the planning studies undertaken by the MPO. The staff also continued to utilize the trail scanners that were purchased and found new and better ways to both use the scanners in more trail locations in the community and display the data for various applications. The MPO also took over collection and distribution of the data from the Lockwood sidewalk counters purchased through the Lockwood Pedestrian Safety District.

The MPO is currently in the process of completing the development of the Billings MPO TransCad Model program.

The transportation data is also being used for our current Planning Studies including the Downtown Billings Safety Plan and the 5<sup>th</sup> Avenue Corridor Study.

#### **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

##### **PL Eligible Activities**

- Complete the development of the Billings MPO TransCad Model program. The ability of the Billings MPO to conduct transportation modeling in-house will benefit the community and will include modeling data on vehicles, bike and transit.
- The traffic count program for the Billings Urban Area as well as the Yellowstone County influence area will be conducted and the appropriate data recorded during FY2021. All traffic count data will be submitted to the MDT by February 1, 2021.
- Crash data will be compiled and analyzed to determine high hazard locations.
- Staff will update, where appropriate, the City's Capital Improvement Program.

- The Contract Position with City Engineering will continue duties of Traffic Demand Modeling and maintenance. This staff person is also certified in drone flight and has completed several flyovers for projects including the City of Billings BUILD grant application.
- Staff will collect and maintain bike/pedestrian information through the trail census and use of the trail-bike/pedestrian scanners. This activity is in conjunction with MPO region wide planning.
- Continued integration of the Transportation Planner II position into the Division's transportation project work and familiarity with transportation planning issues will continue under the direction of the Transportation Planning Coordinator. This individual continues to be responsible for managing traffic data for studies and reference, administering the TA Program, and training for future modeling of traffic conditions related to new developments and transportation system changes.
- The traffic count data archive will be maintained and accessible for other agencies and the public.
- Data will also be used during proposed FY21 Planning Studies.
- The Bicycle-Pedestrian activities will continue. Duties will include but not limited to:
  - Maintain Bike/pedestrian data bases in conjunction with MPO region wide planning purposes.
  - Maintain data base for easement acquisition.

**STAFFING**

13.5 Staff Months – City/County Planning

11.0 Staff Months - City Engineering (Contract Position)

**FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning/MDT

**PRODUCT**

- Documentation as necessary, support of transportation grant programs, transportation system modeling, updated Traffic Count Program, and research and integration of traffic information into planning projects and development review activities.
- Current traffic count data.
- Current bike/pedestrian counts.

**FUNDING SCHEDULE - TRANSPORTATION SYSTEM DATA**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

AGENCY	PL	LOCAL	TOTAL
MPO	\$230,000	\$0	\$230,000
TOTAL	\$230,000	\$0	\$230,000

**DISBURSEMENT PERCENTAGE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	100	0	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$231,000	\$0	\$231,000**
<b>TOTAL</b>	\$231,000	\$0	\$231,000**

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

\*\*This Includes - \$10,000 for Maintenance of the Billings MPO Travel Demand Model

## **301 TRANSPORTATION PLAN (4311)**

### **OBJECTIVE**

- Implement the Goals and Objectives in the Billings Long Range Transportation Plan.
- Develop (where necessary) and maintain data for the urban area in order to effectively monitor and evaluate the validity of the Transportation Plan.

### **ACCOMPLISHMENTS - FISCAL YEAR 2020**

Staff continued to implement the 2018 Long Range Transportation Plan. Elements in the Plan include Goals and Objectives, a Transit section, an analysis of the railroad interface with the community, and a review of current projects listed in the 2018 Study. The MPO did complete a LRTP Amendment to accommodate the City of Billings desire to convert North 29<sup>th</sup> and North 30<sup>th</sup> Streets from one-way to two-way. North 30<sup>th</sup> is a State route and not identified in the 2018 LRTP as a project. The amendment was adjusted to accommodate this project and make sure the LRTP met all FHWA and MDT conformity requirements.

Staff will continue to implement the 2017 Billings Area Bikeway and Trail Master Plan. This will include working with MDT, City and County Public Works and other organizations with the continued development of the non-motorized transportation system.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

#### **PL Eligible Activities**

- Staff will work to implement the 2017 Billings Area Bikeway and Trails Master Plan.
- Staff will also integrate the 2018 Transportation Plan with the City's Capital Improvement Program to ensure consistency.
- Projects will continue to be reviewed for future implementation in the City's CIP and the MPO's TIP.

### **STAFFING**

9.0 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

### **PRODUCT**

- Implementation of transportation projects identified in the Billings Area Bikeway and Trails Master Plan, the Transportation Improvements Program, Transportation Plan and the Capital Improvements Program.

## FUNDING SCHEDULE - TRANSPORTATION PLAN

### FUNDS PROGRAMMED - FISCAL YEAR 2020

#### FUNDING SOURCE

AGENCY	PL	LOCAL	TOTAL
MPO	\$220,000	\$0	\$220,000
TOTAL	\$220,000	\$0	\$220,000

#### DISBURSEMENT PERCENTAGE

AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

### FUNDS PROGRAMMED - FISCAL YEAR 2021

#### FUNDING SOURCE

AGENCY	PL*	LOCAL	TOTAL
MPO	\$231,000	\$0	\$231,000
TOTAL	\$231,000	\$0	\$231,000

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **302 PLANNING STUDIES (4312)**

### **OBJECTIVE**

- To update and develop site-specific plans and transportation studies where appropriate.

### **ACCOMPLISHMENTS - FISCAL YEAR 2020**

- The Downtown Billings Traffic Study is a heavily focused public participation study to gather citizen input on alternatives identified by the City of Billings Engineering Division downtown traffic circulation study, primarily the conversion of one-way streets to two-way streets. Dowl Engineering was the successful consultant selected for this project. Creative outreach had to be considered due to the virus and the inability to meet face to face with the public. Information regarding the ongoing project can be found here: <https://dowl.mysocialpinpoint.com/downtown-billings-traffic-study>
- The Inner Belt Loop Corridor is currently in final review and adoption by the local governing bodies. The PCC will take final action on the plan on July 21, 2020.
- Sanderson Stewart was chosen to complete the 5<sup>th</sup> Avenue North Corridor Feasibility Study, this study was started in July 2020. Initial outreach to individual stakeholder groups to start and gather input and comments regarding the project. With COVID-19, creative means to meet with stakeholders is being use and includes in-person (with social distancing protocols) and virtual opportunities.
- Alta Planning + Design was chosen in June 2019 as the consultant to complete the Wayfinding Signage Plan. The project finished in February 2020.
- The Heritage Trail Tour map and app was completed.
- Work was begun on the update to the Complete Streets Progress Report. The Active Transportation Planner is completing this report in-house with assistance from other staff and community partners. This report will be completed by fall of 2020.
- Alta Planning + Design was chosen to complete the Bike/Scooter Share Feasibility Study. This project has just started and is anticipated to be complete by the end of 2020.
- The North Bypass Corridor Study has not begun yet, the Scope of Work will be developed and shared with MDT for concurrence.
- The final project identified in this work element was funding for grant writing. The MPO hired SRF to complete a resubmittal of the City of Billings BUILD grant. This grant application includes a Program of Projects – Inner Belt Loop Connection, Skyline Trail, and Stagecoach Trail. We expect to hear about the grant results on September 15, 2020.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

#### **PL Eligible Activities**

- Complete the Downtown Billings Traffic Study by fall of 2020.
- Complete Street Progress Report by fall of 2020.
- Complete the 5<sup>th</sup> Avenue North Corridor Feasibility Study. This project just got underway and is anticipated to be complete by the end of the year. This feasibility study will review potential connections, non-traditional motorized and non-motorized system along the 5<sup>th</sup> Avenue North Corridor between North 32<sup>nd</sup> Street and Main Street (approximately 2 miles) in downtown Billings. The study includes the railroad spur that begins at North 23<sup>rd</sup> Street and extends

southeast to Montana Avenue. This study was contemplated in 2016 but not completed. Further pressure from development and analysis of downtown traffic safety and circulation has brought this effort back as an important planning tool.

- Begin the North Billings Bypass Corridor Study. This study could evaluate transportation needs along the proposed alignment of the North Bypass. The study could include future access options as development occurs along the roadway, potential intersections, storm water management, bicycle and pedestrian access and transportation safety along the corridor. The study would focus on the norther portion of the Bypass alignment, at the City/County interface north of the Yellowstone River. *This study will be in conformance with MDT's existing Environmental Documents.*
- Complete the Bicycle/Scooter Share Feasibility Study. This study is currently underway and will review impacts to the public right of way, including streets and sidewalks. It will assess whether bike/scooter share is possible in Billings.
- The MPO will continually research grant opportunities. This could include additional Federal grants similar to BUILD, or State and Local opportunities.
- Continue to update and distribute the MPO Heritage Trail Bike/Pedestrian Tour Maps.
- Implement and promote the web-based interactive Bike and Pedestrian Mobile Application.
- The Community Transportation Safety Plan was completed in 2016, staff is recommending completing an update to the plan that will include a review and comparison of crash data and re-visit Emphasis Areas for update.
- In 2011, the City of Billings Engineering Division completed a Safe Routes to School Plan for all the Elementary Schools in Billings. Since that plan was completed, the School District underwent a re-districting and boundary changes. The goals of the plan are to enhance the safety of students traveling to and from school and increase the number of students walking or bicycling to school.

### **Locally Funded Activities**

- Staff will be involved in the coordination through completion of all planning studies undertaken. This includes contract negotiations, coordination of citizen advisory groups, public meetings, overseeing contract deliverables and project wrap-up.

### **STAFFING**

6.5 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

### **PRODUCT**

- Completed Urban Area-wide transportation studies for the Downtown Area Circulation and Safety Study, updated Complete Streets Benchmark Report, 5<sup>th</sup> Avenue Corridor, North Billings Bypass Corridor Study, and the Bicycle/Scooter Share Feasibility Study, an update to the Community Transportation Safety Plan and a Safe Routes to School Plan.

**FUNDING SCHEDULE – PLANNING STUDIES**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$230,440	\$153,560	\$384,000
<b>TOTAL</b>	<b>\$230,440</b>	<b>\$153,560</b>	<b>\$384,000</b>

**DISBURSEMENT PERCENTAGE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	60	40	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$261,000	\$174,000	\$435,000**
<b>TOTAL</b>	<b>\$261,000</b>	<b>\$174,000</b>	<b>\$435,000**</b>

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

\*\*Downtown Area Traffic Circulation and Safety Study Public Participation \$20,000; 5<sup>th</sup> Avenue Corridor Feasibility Study \$40,000; North Bypass Corridor Study \$120,000; Bike/Scooter Share Transportation System Impact Study \$15,000; Complete Streets Progress Report \$2,500; Community Transportation Safety Plan Update \$50,000; Safe Routes to School Plan \$90,000; Grant Writing \$45,000.

## **41.15.500 TRANSPORTATION IMPROVEMENT PROGRAM**

<b>500 TRANSPORTATION IMPROVEMENT PROGRAM (4313)</b>
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### **OBJECTIVE**

- To maintain a viable five-year program of transportation improvements for the Billings Urban Area.

### **ACCOMPLISHMENTS - FISCAL YEAR 2020**

In June of 2020, a Transportation Improvement Program (TIP) covering the period of 2020-2024 was produced to reflect current project status. Determinations were prepared for conformity to the Clean Air Act. Compliance with the requirements of the FAST-Act authorization was completed.

### **PROPOSED ACTIVITIES - FISCAL YEAR 2021**

#### **PL Eligible Activities**

- The Transportation Improvement Program (TIP) will be updated as needed to reflect current project status. A certification statement will be included, as appropriate, to conform to the planning regulations. Based on the Transportation Plan, projects will be evaluated and ranked in accordance with the Priority Ranking Procedures, and in accordance with consistency/conformity procedures. Necessary data will be gathered from primary and secondary sources by the planning staff based upon the Memorandum of Understanding with the City of Billings Public Works Department, establishing areas of data responsibility. Conformity determinations will be prepared as necessary to ensure conformity with the Clean Air Act.

### **STAFFING**

2.5 Staff Months – City/County Planning

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City/County Planning

### **PRODUCT**

- A current transportation improvement program which reflects conformity with FHWA, the Clean Air Act, and local priorities.

## FUNDING SCHEDULE - TRANSPORTATION IMPROVEMENT PROGRAM

### FUNDS PROGRAMMED - FISCAL YEAR 2020

FUNDING SOURCE			
AGENCY	PL	LOCAL	TOTAL
MPO	\$34,000	\$0	\$34,000
TOTAL	\$34,000	\$0	\$34,000

DISBURSEMENT PERCENTAGE			
AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

### FUNDS PROGRAMMED - FISCAL YEAR 2021

FUNDING SOURCE			
AGENCY	PL*	LOCAL	TOTAL
MPO	\$35,000	\$0	\$35,000
TOTAL	\$35,000	\$0	\$35,000

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## 41.16.600 SPECIAL PROJECTS

### 600 ENVIRONMENTAL CONSIDERATIONS (4314)

#### OBJECTIVE

- Maintain current records of monitored air pollution levels and obtain other environmental data as necessary within the Metropolitan Planning Area.
- Review proposed development and transportation system improvements with respect to environmental considerations within the MPO influence area.

#### ACCOMPLISHMENTS - FISCAL YEAR 2020

Air quality monitoring information was obtained from the County Air Pollution Control Board. Air quality mapping for the State Air Quality Bureau was revised. The Congestion Mitigation Air Quality (CMAQ) program was implemented. Staff continues to monitor carbon monoxide (CO) information in the Urbanized Area.

The Socio-Economic and Environmental (SEE) effects guidelines were used to review proposed developments and transportation system improvements.

#### PROPOSED ACTIVITIES - FISCAL YEAR 2021

##### PL Eligible Activities

- The planning staff will continue to utilize the SEE effects guidelines to evaluate all major development proposals in terms of transportation systems. This would include the CMAQ program.
- Work will continue to maintain the Billings air quality designation.
- Staff will continue to review the MOVES Program and others like it and their relationship to the MPO.

#### STAFFING

2.5 Staff Months – City/County Planning

#### FUNCTIONAL AGENCY RESPONSIBILITY

City/County Planning

#### PRODUCT

Current environmental data as well as a comprehensive planning and transportation planning process that will substantially address the socio-economic and environmental consequences associated with growth and development.

## FUNDING SCHEDULE - ENVIRONMENTAL CONSIDERATIONS

### FUNDS PROGRAMMED - FISCAL YEAR 2020

FUNDING SOURCE			
AGENCY	PL	LOCAL	TOTAL
MPO	\$33,000	\$0	\$33,000
TOTAL	\$33,000	\$0	\$33,000

DISBURSEMENT PERCENTAGE			
AGENCY	PL	LOCAL	TOTAL
MPO	100	0	100

### FUNDS PROGRAMMED - FISCAL YEAR 2021

FUNDING SOURCE			
AGENCY	PL*	LOCAL	TOTAL
MPO	\$34,000	\$0	\$34,000
TOTAL	\$34,000	\$0	\$34,000

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

**41.17.700 OTHER ACTIVITIES**

**700 UN-PROGRAMMED FUNDS (4315)**

**OBJECTIVE**

- To provide for the accounting of available un-programmed funds in the current UPWP.

**ACCOMPLISHMENTS - FISCAL YEAR 2020**

N/A

**PROPOSED ACTIVITIES - FISCAL YEAR 2021**

**PL Eligible Activities**

- This work element will be utilized for accounting purposes only. No specific work activity will be charged to this work element.

**STAFFING**

N/A

**FUNCTIONAL AGENCY RESPONSIBILITY**

N/A

**PRODUCT**

N/A

**FUNDING SCHEDULE - CONTINGENCY**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$713,545	\$17,540	\$731,085
TOTAL	\$713,545	\$17,540	\$731,085

**DISBURSEMENT PERCENTAGE**

<b>AGENCY</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	100	0	100

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>PL*</b>	<b>LOCAL</b>	<b>TOTAL</b>
MPO	\$586,700	\$100	\$586,800
TOTAL	\$586,700	\$100	\$586,800

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

SECTION II -- FUNDING

**TABLE I  
FUNDING SUMMARY  
FEDERAL FISCAL YEAR 2021**

WORK ELEMENT	FUNDING SOURCES FY 2021		
	PL*	LOCAL	EST. COST
100 Administration	\$231,000	\$189,000	\$420,000
101 Service	22,000	22,000	44,000
102 Citizen Involvement	35,000	35,000	70,000
200 Community Planning	77,100	179,900	257,000
204 Zoning	30,400	121,600	152,000
205 Subdivision	45,600	106,400	152,000
300 Transportation System	240,000	0	240,000
301 Transportation Plan	231,000	0	231,000
302 Planning Studies	261,000	174,000	435,000
500 T.I.P.	35,000	0	35,000
600 Environmental	34,000	0	34,000
700 Un-Programmed Funds	586,700	100	586,800
<b>TOTAL</b>	<b>\$1,828,800</b>	<b>\$828,000</b>	<b>\$2,656,800</b>

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

**TABLE II  
FUNDING COMPARISONS**

WORK ELEMENT	FY 2021 ESTIMATED COST	FY 2020 ESTIMATED COST
100 Administration	\$420,000	\$382,000
101 Service	44,000	42,000
102 Citizen Involvement	70,000	68,000
200 Community Planning	257,000	245,000
204 Zoning Administration	152,000	145,000
205 Subdivision Administration	152,000	145,000
300 Transportation System Data	240,000	230,000
301 Transportation Plan	231,000	220,000
302 Planning Studies	435,000	384,000
500 T.I.P.	35,000	34,000
600 Environmental Considerations	34,000	33,000
700 Un-Programmed Funds	586,800	731,085
<b>TOTAL</b>	<b>\$2,656,800</b>	<b>\$2,659,085</b>

**TABLE III  
FUNDING PERCENTAGES FEDERAL FISCAL YEAR 2021**

<b>WORK ELEMENT</b>	<b>RECIPIENT</b>	<b>PL</b>	<b>LOCAL</b>	<b>TOTAL</b>
100 Administration	MPO	55	45	100
101 Service	MPO	50	50	100
102 Citizen Inv.	MPO	50	50	100
200 Community Planning	MPO	30	70	100
204 Zoning Administration	MPO	20	80	100
205 Subdivision Admin.	MPO	30	70	100
300 Trans. System Data	MPO	100		100
301 Transportation Plan	MPO	100		100
302 Planning Studies	MPO	60	40	100
500 T.I.P.	MPO	100		100
600 Environmental	MPO	100		100
700 Un-Programmed Funds	MPO	100		100

**TABLE IV  
STAFF MONTHS BY WORK ELEMENT FISCAL YEAR 2021**

<b>WORK ELEMENT</b>	<b>DIRECTOR (Friday)</b>	<b>SENIOR PLANNER (TRANS.) (Walker)</b>	<b>PLANNER I (Husman)</b>	<b>PLANNING MANAGER (Plecker)</b>	<b>PLANNER II (Mattox)</b>	<b>CLERK (Deines)</b>	<b>PLANNER II (Green)</b>	<b>PLANNER I (Vacant)</b>	<b>SENIOR PLANNER (ZONING) (Cromwell)</b>	<b>Active Trans. Planner I (Monat)</b>	<b>TOTAL M.M.</b>
100	7	1.5	2.5	5.5	.5	1.5	.5	.5	1	5.5	26
101	.5		1				.5	.5	1		3.5
102	.5		.5	.5	.5	.5	1	.5			4
200	1.5		5	2	1	2	1	5	1	2.5	21
204			.5	.5		.5	.5	2	6		10
205			.5	1		.5	7.5		2		11.5
300		2.5	.5	.5	5	2				3	13.5
301	.5	4		.5	2	2					9
302	.5	1		.5	1	1		2.5			6.5
500	.5	1			.5	.5					2.5
600		1	.5		.5	.5					2.5
<b>TOTAL</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>110</b>

\*This table indicates approximately how many man months individual staff members work in each work element.

<b>WORK ELEMENT</b>	<b>CITY TRAF. TECHNICIAN</b>
300	11
<b>TOTAL</b>	<b>11</b>

## SECTION III

### INDIRECT COST PLAN

#### **INTRODUCTION**

The Office of Management and Budget Circular 2 CFR Part 200 is used as governing criteria for establishing the allowed costs.

#### **IDENTIFICATION OF COSTS**

The costs are delineated below by type:

DIRECT	INDIRECT	BENEFITS
Salaries & Wages	Maintenance	FICA
Legal Notices	Reproduction	PERS
Travel	Supplies	Workmen's Compensation
Printing	Postage	Accident Insurance
Training	Subscriptions	Health Insurance
Consultants	Telephone	Sick Leave
Equipment	Utilities	Vacation
Mileage	Rent	Holidays
Moving/Interview	Audit	Maternity
	Messenger	Military
		Life Insurance
		Dental Insurance

#### **ALLOCATION OF COSTS**

Direct costs will be charged to the work program line item to which they apply.

An indirect cost rate of **11%** of the City and County's direct salaries and wages is proposed. The **11%** rate will be applied to the direct wages and salaries of each line item within the work program to cover all indirect expenses.

Benefits will be calculated at a rate of **48%** of the City and County's direct salaries and wages charged to each line item.

## **FUNDING SOURCES**

The degree of participation by each funding agency is based on the pro-rations which have been determined for each line item. Each agency will be billed their share of the total charges made against each line item according to the approved pro-rations.

Funding sources and amounts contained in the UPWP are as follows:

Planning Dept. Fees (City of Billings)	\$250,000
Planning Dept. Fees (Yellowstone Co.)	\$75,000
Yellowstone County (Mill)	\$503,000
PL*	\$1,828,800
TOTAL	\$2,656,800

\*The matching ratio is Federal PL--86.58% and State match-13.42%.

## **SUMMARY**

The indirect cost rate is a predetermined fixed rate which is not subject to adjustment. The base period used in determining the rate is the period from July 1, 2019 through June 30, 2020. The calculated rate is applicable to the grant period, which is October 1, 2020 through September 30, 2021.

## LIST OF ACRONYMS

ADA	American Disability Act
BSEDA	Big Sky Economic Development Authority
CAC	Citizen Advisory Committee
CMAQ	Congestion Mitigation Air Quality
CTEP	Community Transportation Enhancement Program
EBURD	East Billings Urban Renewal District
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	Geographic Information System
HPMS	Highway Performance Monitoring System
ISTEA	Intermodal Surface Transportation Efficiency Act
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century
MDT	Montana Department of Transportation
MPO	Metropolitan Planning Organization
PCC	Policy Coordinating Committee
PEP	Private Enterprise Participation
PL	Planning Funds
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act for the 21 <sup>st</sup> Century
TA	Transportation Alternative Program
TAC	Technical Advisory Committee
TDP	Transit Development Plan
TIP	Transportation Improvement Program
UPWP	Unified Planning Work Program
VMT	Vehicle Miles Traveled
YCBP	Yellowstone County Board of Planning

## CHAPTER II

### CITY OF BILLINGS TRANSIT DIVISION

#### SECTION I UNIFIED PLANNING WORK PROGRAM ELEMENTS

##### 44.21.00 PROGRAM SUPPORT & ADMINISTRATION

<b>44.21.01 ADMINISTRATION</b>
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#### OBJECTIVE

- To provide program support, general administration and grant administration
- To provide training in support of transit planning activities.

#### ACCOMPLISHMENTS - FISCAL YEAR 2020

Conformance with federal, state, and local administrative and regulatory requirements for maintenance of transit planning and development as well as execution of developed plans.

Staff remained informed of Federal and State requirements concerning all federal funding sources including, but not limited to, sections 5303, 5307, 5310, and 5339. Staff also adjusted grants in response to the CARES Act and Federal Transit Administration COVID response.

Staff continued to manage and execute programmed aspects of previously awarded 5339(B) funding for years FY18 and FY19.

Researched and procured automated passenger counters to aid in increased data collection efficiency and accuracy.

Staff attended training opportunities to enhance knowledge and skills, including the Transit Bus Conference, the Montana Transit Association NTD training, and multiple webinars focusing on the Transit Safety Plan requirements, Transit Asset Management, and COVID response.

Staff maintained and updated the Transit Asset Management (TAM) Plan with upcoming and in-process capital projects, as well as fleet and facility metrics to ensure accurate capital and asset planning.

Staff worked on improvements to electronic data-keeping practices to enhance grant management, National Transit Database reporting, and the overall planning process.

In response to findings of the 2019 Triennial Review, staff authored, and received approval of, updated Financial and Procurement Policies and Procedures, a Public Participation Plan, an updated Title VI plan, and an updated Equal Employment Opportunity policy and plan.

Staff managed FTA Section 5303 grant activities and prepared the transit aspect of Unified Planning Work Program.

Significantly revised the Billings Area Human Services Transportation Coordination Plan and Committee structure to support improved project guidance and discussion.

Transit members attended and participated in diverse range of transit-related and general community meetings including the Billings Technical Advisory Committee (TAC), the Policy Coordinating Committee (PCC), City of Billings Transportation Team meetings, Healthy By Design Coalition meetings, and various project specific coordinating committees for transportation related projects. As the lead agency on the Coordinated Human Services Transportation Plan Committee, staff also provided guidance and updates to the plan and submitted required annual grant forms.

## **PROPOSED ACTIVITIES - FISCAL YEAR 2020**

All administrative functions necessary in support of transit planning and development will be performed under this work element. Activities will include:

- Continuing to improve data-keeping and gathering practices with further technology utilization and process improvement.
- Quarterly progress and expenditure reports will be prepared and transmitted to the Montana Department of Transportation, Urban Planning Division to maintain funding requirements.
- The FY 2021 UPWP will be monitored and revised as necessary.
- The FY 2022 UPWP for transit activities will also be developed within this element.
- Staff will execute grant administrative functions; staff will continue research and development regarding the utilization of FTA funding, including furthering innovative funding practices and partnerships as well as ensuring proper execution of COVID related activities and expenditures
- Maintenance of coordination agreements with 5310 providers and, as the lead agency, updates to the Billings Area Human Services Transportation Coordination Plan.
- Development and application for capital grants as advised by the Transportation Coordination Plan Committee.
- Development and application for capital grants in the 5339(B) Bus and Bus Facilities program and other funding opportunities.
- Participation in recognized and approved training programs in order to improve skills and capabilities.
- Division policy assimilation of documents, regulations, codes, and practices to ensure compliance with federal, state, and local requirements as they relate to the transit

planning process.

- Participate with the TAC, Transportation Coordination Plan Committee, citizen advisory boards and other committees throughout the community as needed.
- Staff will continue updating and maintaining the FTA mandated Transit Asset Management Plan
- Staff will continue to develop and implement the required Public Transit Agency Safety Plan including research and development of significant training and safety programs.

**STAFFING**

190.0 Transit Manager Staff Hours  
 57.0 Transit Supervisor Staff Hours (4 positions)  
 68.4 Administrative Support Staff Hours (2 positions)  
38.0 Aviation/Transit Director Staff Hours

**353.4 Total Staff Hours**

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit

**PRODUCT**

- An ongoing administrative program to carry out the transit elements identified within this UPWP
- Administrative oversight and execution of transit planning, development functions.
- Enhancement of transit division skills and knowledge.
- Proper maintenance and administration of grant related activities.

**FUNDING SCHEDULE - ADMINISTRATION**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$6,247	\$24,988	\$31,235
<b>TOTAL</b>	\$6,247	\$24,988	\$31,235

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$5,743	\$22,973	\$28,716.00

TOTAL	\$5,743	\$22,973	\$28,716.00
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**44.24.00 SHORT RANGE TRANSPORTATION PLANNING**

<b>01 FUTURE SERVICE EVALUATION AND ANALYSIS</b>
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**OBJECTIVE**

To facilitate considerations of means to ensure citizens will have acceptable public transportation alternatives in the future, including during times of limited financial resources.

**ACCOMPLISHMENTS FISCAL YEAR 2020**

Members of the transit division updated projections of future revenues and expenses and directed annual budget and financial resources analysis, including multi-year forecasts.

Staff arranged for and ensured execution of on-going data gathering and analysis efforts to monitor current system effectiveness and efficiency. This assisted in identification of operating and capital needs required to ensure a reliable and effective system into the future.

Staff assisted with and prepared related grant applications, grant revisions, and budget documents.

Researched, procured, and implemented a cloud-based software solution to assist with fixed-route planning and analysis.

Transit Division members performed an in-depth operational analysis of the transit system including analysis and implementation of potential system wide changes focused on increased frequency in key geographic areas. This process also included an initial assessment of moving the system to designated stops and away from the “flag stop” process currently in place.

Staff planned, created, and executed a Community Wide Transit Survey for feedback on potential future system modifications, receiving 627 total response. 446 responses received were from City of Billings residents; when considering a population of approximately 120,000, this means the survey results were well within a 95% confidence level with a 5% margin of error. The results are being utilized in both future service evaluation as well as current service enhancements.

Staff tracked and compiled on-going ridership metrics by route and mode to support planning practices.

Staff provided information and comments related to transit at meetings geared toward development, annexation, and traffic projects. Staff also received and responded to system inquiries, concerns, complaints, and suggestions.

## **PROPOSED ACTIVITIES FISCAL YEAR 2021**

Functions necessary in support of future transit planning and development will be performed under this work element, including continuation of activities undertaken in FY 2020. These activities necessitate the ongoing cloud-based software costs for route development and planning, which is included under this element. Activities are as follows:

- Develop and implement a Transit Development Plan including both short term and long term transit goals. Staff may utilize consultation services in regards to development of this plan as needed.
- Complete an in-depth analysis of the financial and operational feasibility of transitioning the system to designated stops and develop a bus stop master plan to support future planning.
- Finalize fixed-route system analysis in pursuit of additional service hours, additional routes to address growth projections, and more efficient and effective use of existing resources.
- Continue investigating feasibility of expanding service beyond existing city limits and engage county stakeholders in discussion regarding potential for service to outlying areas.
- Performance of financial analysis and planning in support of modified frequency and expanded service
- Assessing ongoing and future capital and operating requirements based upon projected demand and growth.
- Continued research on feasibility of additional technology conveniences for passengers including electronic signage and amenities at transfer centers and stop locations.
- Continuation of planning efforts regarding public and stakeholder involvement and input opportunities, including recruiting involvement from key partners.
- Facilitation of public meetings to support planned system improvements as well as specialized services for seniors and disabled.

### **STAFFING**

475.00	Transit Manager Staff Hours
261.25	Transit Supervisor Staff Hours (4 positions)
194.75	Administrative Support Staff Hours (2 positions)
<u>95.00</u>	Aviation/Transit Director Staff Hours

**1026.00 Total Staff Hours**

### **PRODUCT**

- Identification of and plans for efficient and effective transit service into the future.
- Financial and capital analyses for future transit enhancements.
- Identification and assistance in implementation of future system modifications.

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit

**FUNDING SCHEDULE – FUTURE SERVICE EVALUATION AND ANALYSIS**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$14,171	\$56,686	\$70,857
<b>TOTAL</b>	\$14,171	\$56,686	\$70,857

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$18,906	\$75,623	\$94,529
<b>TOTAL</b>	\$18,906	\$75,623	\$94,529

## **02 CURRENT SERVICE ENHANCEMENT**

### **OBJECTIVE**

To improve service, ridership, and effectiveness of the existing transit system.

### **ACCOMPLISHMENTS FISCAL YEAR 2020**

Division members assessed upcoming and immediate operational needs and made recommendations on capital and operational projects. Staff successfully completed the implementation of multiple technology enhancements including:

- Automated passenger counters
- On-board wireless internet access
- Pilot of automated voice annunciation in existing fleet vehicle; addition of annunciation systems to current fixed-route vehicle order at completion of pilot
- Electronic fare card implementations.

All of these systems also allows for the enhanced gathering of metrics including ridership and mileage while also enhancing customer experience.

Formulated contingency plans for potential service reductions and other impacts in response the COVID-19 health crisis.

Staff assisted in significant revisions to specifications for new fixed-route rollingstock and subsequently procured a significant number of replacement vehicles to support and enhance continuing service.

Staff reviewed ridership data in analysis of system functioning and updated passenger miles travelled metrics; members also provided monthly ridership analysis (including ADA lift use and bike rack use), assessed ridership trends, and prepared other information on system functioning as requested.

Staff prepared National Transit Database reports for monthly submission of required metrics as well as annual reporting requirements

Division members monitored operational data to analyze ongoing improvements to routes and schedules, identifying minor system changes and implementing improvements as possible to existing routes and services.

Staff members regularly participated in group meetings and committee meetings (both in person and virtual) to solicit partner and public feedback on current system usage, demands, successes and shortfalls.

Staff successfully planned and implemented employee and passenger safeguarding procedures and policies in response to the COVID-19 health crisis.

## **PROPOSED ACTIVITIES FISCAL YEAR 2021**

Functions necessary in support of planning and development of enhancements to the current systems will be performed under this work element, including continuation of activities undertaken in FY2020. Activities are as follows:

- Develop and implement a master marketing strategy to guide market research, promote public awareness and increase ridership. Staff may utilize consultation services in regards to development of marketing strategies as needed.
- Continue implementing current marketing strategy to attract and educate new transit users and existing passengers on how to utilize the transit system, including providing travel training options to the public; this will also serve to enhance the public image of the existing system and services
- Develop and implement further outreach programs to increase community engagement through partnerships and other forms of participation.
- Identification and implementation of means to improve current service, including full system analysis of efficiency and effectiveness with recommendations on immediate improvements for the current transit system.
- Assessment of current personnel usage for areas of improvement in utilization of resources and effectiveness.
- Procurement and implementation of further technology enhancements to the existing technology solutions system to gather data, improve efficiency, provide further customer conveniences, and enhance safety.
- Maintain monthly ridership figures and summary figures for effective decision-making. ; complete related National Transit Database reports.
- Solicit and record public reaction to any modified routes, schedules, marketing efforts, and technology enhancements.
- Assessment of current budgetary impact of potential improvements.

## **STAFFING**

440.00	Transit Manager Staff Hours
242.00	Transit Supervisor Staff Hours (4 positions)
180.40	Administrative Support Staff Hours (2 positions)
88.00	Aviation/Transit Director Staff Hours
<b>950.40</b>	<b>Total Staff Hours</b>

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit  
**PRODUCT**

- **Information relating to potential enhancements for existing service and system.**
- **Recommendations for immediate improvements.**
- **Information and recommendations on passenger marketing and outreach**
- **Analyses of current system functions.**
- **Budget alternatives.**

**FUNDING SCHEDULE – CURRENT SERVICE ENHANCEMENTS**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$14,479	\$57,918	\$72,397
<b>TOTAL</b>	<b>\$14,479</b>	<b>\$57,918</b>	<b>\$72,397</b>

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$14,734	\$58,935	\$73,669
<b>TOTAL</b>	<b>\$14,734</b>	<b>\$58,935</b>	<b>\$73,669</b>

**44.25.00 Transportation Improvement Program (TIP)**

**01 T.I.P**

**OBJECTIVE**

To maintain a viable five year program of transit improvements for the Billings Urbanized Area.

**ACCOMPLISHMENTS FISCAL YEAR 2020**

The Transportation Improvement Program (TIP) was updated to more effectively reflect project status and include upcoming projects. The TIP underwent an significant formatting change that resulted in an improved sharing of information regarding area projects. Updated projects were

also added to the Division's Transit Asset Management Plan (TAM), Capital Improvement Plan (CIP), and Equipment Replacement Plan (ERP).

An MPO representative was directly integrated into the Human Services Transportation Committee to assist in community-wide Section 5310 project prioritization for inclusion in the TIP. The Statewide Transportation Improvement Program (STIP) process was also addressed and monitored.

### **PROPOSED ACTIVITIES FISCAL YEAR 2021**

Functions necessary in support of transit related project inclusion in the Transportation Improvement Program will be performed under this work element. Activities are as follows:

- Division members will develop and compile information on operating and capital projects which MET Transit plans to pursue grant assistance for inclusion in the TIP; this includes utilizing and updating the Division's TAM, CIP, and ERP as required.
- All applicable projects will be provided to the MPO for inclusion in the program.
- Staff will monitor inclusion in the TIP and STIP to ensure ability to obtain federal Sections 5307, 5310 & 5339 and other applicable grants are not affected.

### **STAFFING**

67.30	Transit Manager Staff Hours
20.19	Transit Supervisor Staff Hours (4 positions)
24.23	Administrative Support Staff Hours (2 positions)
13.46	Aviation/Transit Director Staff Hours
<b>125.18</b>	<b>Total Staff Hours</b>

### **FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit will provide transit-related information to the City/County Planning Department for the MPO's inclusion in the TIP document.

### **PRODUCT**

- Updated Division plans including Transit Asset Management, the Capital Improvement Program, and components of the Equipment Replacement Plan
- Annual inclusion of projects in TIP as necessary per FTA regulations.
- Amendments to TIP as necessary to include new projects.

### **FUNDING SCHEDULE – T.I.P.**

#### **FUNDS PROGRAMMED - FISCAL YEAR 2020**

#### **FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$2,127	\$8,509	\$10,636
TOTAL	\$2,127	\$8,509	\$10,636

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$2,034	\$8,138	\$10,172
TOTAL	\$2,034	\$8,138	\$10,172

## **44.26.00 Implementation of Americans with Disabilities Act (ADA)**

<b>01 IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT (ADA)</b>
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### **OBJECTIVE**

To ensure optimal use of City of Billings funds in meeting the transportation needs of seniors and individuals with disabilities in both specialized and fixed route transportation in accordance with Federal Regulations, especially concerning the Americans with Disabilities Act (ADA).

### **ACCOMPLISHMENTS FISCAL YEAR 2020**

Division members significantly improved the paratransit Eligibility Certification process, including streamlining the application and addressing operational policy issues.

Staff investigated methods to improve paratransit efficiency and cost-effectiveness, including assessing and procuring new a dispatching and scheduling software solution.

Members also assessed financial and operational functioning of paratransit services including contractual agreements with area agencies including the Adult Resource Alliance and the State of Montana Developmental Disabilities Bureau. These agreements were subsequently re-negotiated, updated, and modified to ensure more effective transportation service to seniors and individuals with disabilities.

Staff monitored procedures and policies involving lift-equipped fixed-route service and other accessibility features/requirements; this included assessing future vehicle needs and relevant procurement of vehicles as related to service for seniors and individuals with disabilities.

Staff familiarized seniors and individuals with disabilities with fixed route system use as appropriate via MET's travel training program.

Staff continued to coordinate transportation services among 5310 transit providers, social service agencies and the general public to provide an overall strategy to enhance transportation access, minimize duplication of services and facilitate the most appropriate cost-effective transportation possible within available resources. This also included outreach and engagement to improve and advance the coordination plan as well as to improve community relations.

### **PROPOSED ACTIVITIES FISCAL YEAR 2021**

Functions necessary in support of planning and development of transit related Americans with Disabilities projects, procedures, outreach, and other related activities will be performed under this work element. Activities are as follows:

- Plan and develop additional training for MET operators and employees focused on interacting with seniors and individuals with disabilities.
- Staff will continue to provide outreach and education for professionals, organizations, and other identified entities in the community including participating on advisory groups in order to maintain positive relationships with individuals with disabilities and senior communities.
- Staff will continue to facilitate and encourage involvement in regular Billings Area Human Services Transportation Coordination Plan meetings with human service providers, social service agencies, transportation providers and the public to coordinate efforts associated with transit capital and service planning.
- Continue to facilitate effective service provision and usage of lift-equipped fixed-route vehicles; assess and recommend capital and operational projects with the intent of supporting existing service and adding potential enhancements.
- Continue identification of means to address transit and paratransit needs, assessing both short and long term paratransit needs, the organizational and financial capabilities of addressing those needs, and the inclusion of such needs in an overall Transit Development Plan.
- Conduct an overall paratransit system analysis for efficiency and effectiveness in relation to the current COVID crisis, with emphasis on demand and best utilization of paratransit resources moving forward.
- Continue community outreach to the public and organizations in support of improving access to transportation for seniors, individuals with disabilities, and low-income populations; continue participation on community committees meetings while exploring avenues for further outreach and engagement.
- Continue working with contracted providers in execution of agreements including existing agreements with the Adult Resource Alliance and the State of Montana, ensuring modifications are made as necessary to increase the efficiency and effectiveness of service.

**STAFFING**

420.00	Transit Manager Staff Hours
231.00	Transit Supervisors Staff Hours (4/ positions)
172.20	Administrative Support Staff Hours (2 positions)
84.00	Aviation/Transit Director Staff Hours
<b>907.20</b>	<b>Total Staff Hours</b>

**FUNCTIONAL AGENCY RESPONSIBILITY**

City of Billings Transit Division – MET Transit

**PRODUCT**

- Continued consensus with and support of City of Billings compliance with ADA regulations related to transit
- Continued community consensus and support of City of Billings methods for addressing

of specialized needs, including lift-equipped vehicles and other options for individuals with disabilities and seniors.

- Recommendations and proposals for enhancements to existing system and programs in support of ADA compliance and regulations aimed at increasing efficiency and effectiveness.
- Public involvement and feedback regarding potential system enhancements in support of transportation for seniors and individuals with disabilities.

**FUNDING SCHEDULE – T.I.P.**

**FUNDS PROGRAMMED - FISCAL YEAR 2020**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$13,093	\$52,373	\$69,228
<b>TOTAL</b>	\$13,093	\$52,373	\$69,228

**FUNDS PROGRAMMED - FISCAL YEAR 2021**

**FUNDING SOURCE**

<b>AGENCY</b>	<b>LOCAL</b>	<b>FTA</b>	<b>TOTAL</b>
MET	\$14,064	\$56,257	\$70,321
<b>TOTAL</b>	\$14,064	\$56,257	\$70,321

## SECTION II FUNDING SUMMARY

### FEDERAL FISCAL YEAR 2021

WORK ELEMENT	FUNDING SOURCES FY 2021			STAFF HOURS
	LOCAL	FTA	EST. COST	
44.21.01 Administration	\$5,743	\$22,973	\$28,716	353.40
44.24.01 Future Service	\$18,906	\$75,623	\$94,529	1026.00
44.24.02 Current Service	\$14,734	\$58,935	\$73,669	950.40
44.25.01 T.I.P.	\$2,034	\$8,138	\$10,172	125.18
44.26.15 ADA Service	\$14,064	\$56,257	\$70,321	907.20
<b>TOTAL</b>	<b>\$58,481</b>	<b>\$233,926</b>	<b>\$292,407</b>	<b>3362.18</b>

### ALLOCATION OF COSTS

Expenditures identified include direct costs, benefits at the rate of 48% of direct salary or wages, and indirect costs at the rate of 11% of direct salary or wages.

Federal Transit Administration Section 5303 funding is available at an 80% reimbursement rate, meaning the local to FTA funding ratio for all categories is 20% local, 80% federal.

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Memorandums of Understanding for Career Center and Billings Central High, High School and Middle School Resource Officers (SROs)

**PRESENTED BY:** Rich St. John, Police Chief

**Department:** Police

**RECOMMENDATION**

Staff recommends that the City Council approve the SRO Program Memoranda of Understanding with Billings Public Schools and Billings Catholic Schools.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The City of Billings and the Billings Public Schools have enjoyed a 25 year history with the School Resource Officer (SRO) Program. The attached Memoranda of Understanding's (MOUs) make provisions for program objectives, guidelines, financial consideration and for terminating the agreements. The MOUs are for the period of July 1, 2020 to June 30, 2021. The SRO Program is a collaborative effort by certified law enforcement officers, educators, students, parents, and the community, to offer a liaison program in the schools to reduce crime, drug abuse, violence, and provide a safe school environment. The Program also provides networking, public relations, and relationship building among the City, Police Department, the School District and the community. The City Council is being asked to approve two separate MOUs. One with Billings Catholic Schools (BCS) and Billings School District 2 (BSD2) for a shared SRO. The second with BSD2 for seven SRO's. The total amount would be \$365,311.

**ALTERNATIVES**

City Council may:

- Approve the MOUs for the SRO Program; or
- Disapprove the MOUs for the SRO Program. The effect would be that the City would have to supply the \$365,311 that the Billings Public Schools contributes to the program or modify/eliminate the program.

**FISCAL EFFECTS**

The approximate total cost for the SRO positions is \$628,784. The Billings Public Schools will make a payment of \$365,311 to help defray some of the salary and benefit costs for the eight officers.

**Attachments**

- Fee Structure for 7 SRO's
- MOU with BSD2
- MOU with Catholic Schools and BSD2

**ADDENDUM**

**FEE STRUCTURE FOR ELEMENTARY SCHOOLS, MIDDLE SCHOOLS AND HIGH SCHOOL RESOURCE OFFICER PROGRAM**

Six Middle Schools - Three Officers	\$136,129
Elementary School – One Officer	\$78,598
High Schools – (Skyview, Senior, West) – Three officers	\$71,986
TOTAL:	<u>\$286,713</u>

**MEMORANDUM OF UNDERSTANDING  
SCHOOL RESOURCE OFFICER PROGRAM  
ELEMENTARY SCHOOLS, MIDDLE SCHOOLS & HIGH SCHOOLS**

**CITY OF BILLINGS POLICE DEPARTMENT  
BILLINGS PUBLIC SCHOOLS**

This Memorandum of Understanding (MOU) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the Billings Public Schools and the City of Billings Police Department. We do hereby agree that it is mutually beneficial to all parties for Billings Police Officers to be assigned as School Resource Officers ("SROs") to elementary schools, middle schools and high schools within the City of Billings. **The Billings Police Department recognizes and supports the need for safe schools and a safe learning environment for our youth.**

The parties recognize that the School Resource Officer Program has enjoyed a Twenty-five (25) year history within the City of Billings beginning with a limited pilot project at Billings West High School implemented by the West End Community Oriented Policing team, and has enjoyed an excellent relationship with the schools. The purpose of this document is to facilitate a clear understanding of each party's roles, duties, and responsibilities. This MOU is intended to provide clarification of expectations, to minimize confusion, and to provide for consistency between officers, school administration, and city officials. The parties recognize that this MOU must be a living document to allow for program evolution and provide for variances, needs, and future changes.

**MISSION STATEMENT - BILLINGS POLICE DEPARTMENT**

*The Billings Police Department is committed to improving the quality of life through a customer service, problem solving partnership with the community.*

**MISSION STATEMENT – BILLINGS PUBLIC SCHOOLS**

*Billings Public Schools Community strives to inspire, educate and empower students to be responsible and innovative global citizens who achieve their full potential.*

**MISSION STATEMENT - SCHOOL RESOURCE OFFICER PROGRAM**

*Through education and enforcement and by cooperative efforts with the school staff, the students, the parents, the courts, the surrounding neighborhood, and the community's social service organizations, the SRO program strives to assist the schools with providing a safe school and neighborhood environment, and strives to hold juveniles responsible for their actions and prevent individual problems from developing into patterns of delinquency.*

## **PROGRAM OBJECTIVES**

1. Friendly contact between the Police Department and the City's youth. Provide students, faculty and staff, and families the opportunity to meet and interact with a police officer in a non-confrontational setting. Many people, especially our young people, do not often get the chance to learn about who the officers are "behind the badge". This program provides the opportunity for the officer to serve as a role model as well as a resource and a mentor to students.
2. Assistance and information-sharing concerning problems and issues affecting the schools and students.
3. Education of children regarding personal rights and responsibilities, the role of laws, courts, and police in society, and other law-enforcement related topics. However, SROs shall not give legal advice to students, families, or school employees.
4. Protection from and education of children regarding alcohol and drugs, gangs, molestation, involvement with older law violators, and other harmful influences.
5. Investigation of cases involving juveniles and use of effective alternatives to court whenever possible.
6. Prevention of crime or delinquent behavior by juveniles within the School Resource Officers' areas of assignment. Increase in safety and security of the school's students, faculty, staff, and visitors.
7. Effective problem solving and liaison with neighborhoods surrounding the schools, which are affected negatively when there is poor student conduct.

## **SUMMARY OF SRO RESPONSIBILITIES**

SROs are employees of the City of Billings Police Department and are subject to the administration, supervision, and control of the City. SROs are police officers assigned as Uniform Patrol Officers of the Operations Division of the Billings Police Department and are subject to the chain of command of the police department. SROs are not employees or agents of the School District, and no employee or agent of the School District shall be deemed an employee or agent of the City. SROs are police officers and not school teachers, school administrators, school counselors, school officials, or other school employee.

The SROs' primary responsibility is to maintain law and order in the schools and to insure that the students and faculty have a safe, secure, and drug free educational environment. As such, the SROs investigate criminal cases involving youth, maintain order through the enforcement of local, state and federal laws, recover stolen property, bring perpetrators to justice, and support school administration in enforcing the conduct policies of the Billings Public Schools. As law enforcement officers, SROs must comply

with the federal and state constitutions, laws, and City policies and procedures. The School District cannot be held liable or responsible for the SRO's failure to comply with these obligations.

The SRO will be responsible for carrying out his/her duties at the assigned schools.

- ◆ SRO are “non-exempt” employees covered by the federal Fair Labor Standards Act and the Montana Wage and Hour laws. Wages, benefits, and other terms and conditions of employment comply with those laws, the City employment contract, and the current collective bargaining agreements between the Montana Public Employees Association-Billings Police Unit and the City.
- ◆ SRO are governed by the rules, policies, shifts, schedules, procedures and practices of the Billings Police Department and the City of Billings, under the supervision of an assigned Sergeant.
- ◆ SRO are encouraged to be a part of student groups and school staff when requested, and to work as a team with school administration for the betterment of students and the school and neighborhood environment as a whole.
- ◆ SROs are encouraged to work extra curricular activities as requested by the school administrator. It is recognized by all parties that these assignments provide further opportunities for crime prevention and crime detection. The SRO will not be used as a replacement security officer for off-duty/special duty assignments. If security is needed at special events, the School District is encouraged to employ its own security personnel or contract with a private security provider. All work outside of school hours shall be approved by the assigned Police Department Supervisor in advance and will be consistent with the federal and state wage and hour laws and the collective bargaining agreement. The cost of any overtime will be the responsibility of the City of Billings. The School District shall provide documentation to the City of Billings regarding any additional hours, if requested.
- ◆ SROs are expected to keep the school principal or his designee informed about law enforcement action which occurs on school property and/or which may involve a student unless the information cannot be released pursuant to the Montana Criminal Justice Information Act. The City and School District agree to cooperate with each other during their respective investigations.
- ◆ SROs are expected to attend all training, meetings, and appointments assigned by the Police Department. It is recognized that some of these will conflict with officer availability at the school during normal school hours. These conflicts will be minimized as much as possible, but the potential exists that such requirements will take precedence over school presence. The SROs shall strive to keep the school principal or designee informed about such absences as appropriate on a need to know basis.

- ◆ If the SRO is absent from work, the SRO shall notify the City of Billings in accordance with its usual protocols and the Principal of the school to which the SRO is assigned. If during the SRO absence an incident arises that requires police involvement, the School District shall notify the Police Department who shall provide an officer to respond to the incident.
- ◆ It is the intent of the parties that the SRO duty hours shall conform to the school day. Duty assignment in the summer months, when school is not in session, will be under the direction of the Police Operations Commander. SROs may also be required to work regular police duty assignments at other times when school is not in session, when so directed by the Police Operations Commander.
- ◆ The SROs shall coordinate closely with the school Principals on all matters and seek guidance, permission, and advice as to any actions or activities that are not law enforcement. The Principal has the primary responsibility for education and maintaining discipline at the school, and the SRO is there to assist the Principal as the Principal determines is necessary. In so doing, the SRO shall be the designee of the Principal in maintaining the safety of the physical plant of the school, which includes but is not limited to the building(s), ground(s), parking lot(s), locker(s) and other public school property. The Principal and SRO will develop a system of record-keeping by which the SRO logs and shares information that is relevant to school administration's management of the school.
- ◆ SROs will not be involved in ordinary school discipline, UNLESS it will prevent a disruption and/or situation that places someone at risk of imminent and serious harm. Disciplining students is a School District responsibility, and only when the Principal (or designee) and the SRO agree that SRO assistance is needed to maintain a safe and proper school environment will the Principal request such assistance and the SRO provide it. The SRO program is not intended to be a substitute for or relieve the school administrators of their responsibility for maintenance of discipline and good order in the schools.
- ◆ The School District shall provide training regarding school policies and procedures.

## **TRANSPORTING STUDENTS**

SROs shall not transport students in Police Department vehicles except:

- i. When the student is a victim of a crime, under arrest, or some other emergency circumstances exist; or
- ii. When a student is suspended and/or sent home from school pursuant to school disciplinary actions, if the student's parent/guardian/caretaker has refused or is unable to pick up the child within a reasonable time period and the student is disruptive/disorderly

and his or her continued presence on campus is a threat to the safety and welfare of other students or school personnel. The student's parent/guardian/caretaker will be notified of this transportation prior to it occurring; or

iii. At the request of a parent/guardian/caregiver with approval of the principal, under exigent circumstances.

Prior to transporting any student, school administration and/or the SRO must determine that the student's parent/guardian/caregiver is at the destination to which the student is being transported. SROs shall not transport students in their personal vehicles.

SROs shall notify school administration prior to removing a student from campus.

### **ACCESS TO EDUCATION RECORDS**

A. School administration shall allow SROs to inspect and copy any public records maintained by the school to the extent allowed by law and constitution. School administration and the SRO may share information and provide assistance to each other concerning problems and issues affecting the schools to the extent allowed by law and constitution.

B. If confidential information in a student's record is needed in an emergency to protect the health and safety of the student or other individuals, school administration may disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety, the need for the information to meet the emergency, and the extent to which time is of the essence. The SRO shall not disclose that information to anyone else except as allowed by law.

C. If the SRO requests confidential student records or information, but no emergency exists, the information may only be released to the SRO as allowed by law, constitution, and policy. Directory information, as defined by FERPA and policy, is not confidential and is available to the SROs.

### **INDEMNIFICATION**

The School District shall provide, at its own expense, adequate liability insurance coverage. The School District shall defend, indemnify, and hold harmless the City and the SROs from any and all claims for loss or damage to property or injury or death to persons, including costs, expenses, and reasonable attorney's fees, arising from the negligent or wrongful acts or omissions of the School District, its trustees, employees, agents, or representatives.

The City of Billings shall provide, at its own expense, adequate liability insurance coverage. The City shall defend, indemnify, and hold harmless the School District, its trustees, agents, employees, representatives, and volunteers from any and all claims for loss or damage to property or injury or death to persons, arising from the negligent or

wrongful acts or omissions of the City, its Council Members, Mayor, employees (including the SROs), agents, or representatives.

## **SELECTION AND FINANCIAL CONSIDERATION**

SROs will be selected by means of a joint selection committee, comprised of three (3) representatives from the School District who will be appointed by the Superintendent of Schools and three (3) representatives from the Billings Police Department who will be appointed by the Billings Chief of Police. The Selection Committee will make recommendations to the Chief of Police. While the Chief of Police will duly consider the Committee's recommendations, selection of each School Resource Officer is within the sole discretion of the Chief of Police. See attached Addendum which sets forth the number of officers and the sum paid by the School District to the City of Billings for the services provided by the officers. Payment shall be made no later than three days before the start of school.

The schools will provide a private office, office furnishings, telephone, a computer, and any other necessary office supplies to the SRO for his/her use in the school. The Police Department will provide to its SROs any required police equipment, including but not limited to radios and motorized and non-motorized vehicles.

## **PROGRAM ASSESSMENT**

SROs, School Administration for the respective middle and/or high schools, and the assigned Police Supervisor will meet at the beginning of each school year to set the goals and objectives of the SRO for the respective school. An assessment mechanism will be developed jointly that will be used to determine the effectiveness of the SRO program. The School Resource Officer Program will be assessed annually, and the evaluation will be conducted jointly by the Billings Police Department and Billings Public Schools. Quarterly and year end meetings will be held to determine progress and to make adjustments as needed.

The following topics, at a minimum, will be used to evaluate the program:

- ◆ Success of established goals and objectives.
- ◆ An internal survey of high school administration, faculty and student council members, primarily concerning perceptions of safety and security.
- ◆ Traditional police-citizen contacts (warnings, citations, arrests, FIRs, etc.).
- ◆ Non-traditional police-citizen contacts (meetings attended, problem areas addressed, student or family interviews, etc.).
- ◆ Surrounding neighborhood feedback and reaction to police efforts to address issues concerning the schools and students.
- ◆ Accomplishment of tasks agreed upon as part of any work plan written in conjunction with the Principal.

In addition, each officer's effectiveness in the program will be evaluated at the end of each school term. School District administration, through the Superintendent or designee, will provide input into the evaluation, including information regarding and supporting any dissatisfaction. This input may include a recommendation to the Chief of Police that the officer not be assigned to that school the following year. The Chief of Police will seriously consider the evaluation and the input of the Superintendent when assigning an officer to a building, and will make a good faith effort to address any concerns raised. Ultimately, however, the final decision on which officer will be assigned as a school resource officer and where is within the sole discretion of the Police Chief.

### **EFFECTIVE DATE**

This Memorandum of Understanding is effective July 1, 2020, and shall remain in effect through June 30, 2021, unless renewed by agreement of both parties or terminated as provided herein.

### **TERMINATION OF AGREEMENT**

Either party may terminate this agreement upon sixty (60) days written notice to the other party. If this agreement is terminated by the School District, then the full balance of the amount paid will be retained by the City of Billings. If the agreement is terminated by the City of Billings, then the pro-rated balance of the amount paid will be refunded to the School District. The pro-rated balance will be based on the total number of school days for the 2020-2021 school year and the number of school days remaining after the date of termination of the agreement. All or part of the services may be terminated, with appropriate pro-ration. For example, if the City only terminates one SRO position in the middle schools, one-third of the amount paid for those services will be pro-rated and returned. Both parties will cooperate to complete any investigations and to participate in any court or disciplinary proceedings which extend beyond the termination of this agreement.

### **NOTICES**

All requests, notices, payments, demands, authorizations, directions, consents, waivers or other documents required or permitted under this Agreement shall be in writing and shall be delivered in person to, or deposited postage prepaid and return receipt requested in the registered or certified mails of the United States, addressed to the City of Billings at:

Chief of Police, Billings Police Department, City of Billings,  
P. O. Box 1554, Billings, MT 59103

or to Billings Public Schools at:

Superintendent, Billings Public Schools,

Lincoln Center, 415 North 30th Street  
Billings, MT 59101

Notice is deemed given upon receipt.

**MODIFICATION; ENTIRE AGREEMENT OF PARTIES EXPRESSED**

This Memorandum of Understanding expresses the entire agreement of the parties. No modification of this Agreement shall be valid or binding unless the modification is in writing, dated, and signed by both parties.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2020.

**BILLINGS PUBLIC SCHOOLS**

Attest:

\_\_\_\_\_  
Clerk of the District

By: \_\_\_\_\_  
Greg Upham, Superintendent

**CITY OF BILLINGS**

Attest:

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
William A. Cole, Mayor

Approved as to form and content:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Attorney for Billings Public Schools

**MEMORANDUM OF UNDERSTANDING  
SCHOOL RESOURCE OFFICER PROGRAM  
CAREER CENTER AND BILLINGS CENTRAL HIGH**

**CITY OF BILLINGS POLICE DEPARTMENT  
BILLINGS PUBLIC SCHOOLS  
BILLINGS CATHOLIC SCHOOLS**

This Memorandum of Understanding (MOU) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the Billings Public Schools (“School District”) and the City of Billings Police Department (“City” or “Billings Police Department”). We do hereby agree that it is mutually beneficial to all parties for Billings Police Officers to be assigned as School Resource Officers (“SROs”) to middle schools and high schools within the City of Billings. **The Billings Police Department recognizes and supports the need for safe schools and a safe learning environment for our youth.**

The parties recognize that the School Resource Officer Program has enjoyed a Twenty-five (25) year history within the City of Billings beginning with a limited pilot project at Billings West High School implemented by the West End Community Oriented Policing team, and has enjoyed an excellent relationship with the schools. The purpose of this document is to facilitate a clear understanding of each party’s roles, duties, and responsibilities. This MOU is intended to provide clarification of expectations, to minimize confusion, and to provide for consistency between officers, school administration, and city officials. The parties recognize that this MOU must be a living document to allow for program evolution and provide for variances, needs, and future changes.

**MISSION STATEMENT - BILLINGS POLICE DEPARTMENT**

*The Billings Police Department is committed to improving the quality of life through a customer service, problem solving partnership with the community.*

**MISSION STATEMENT – BILLINGS PUBLIC SCHOOLS**

*Billings Public Schools Community strives to inspire, educate and empower students to be responsible and innovative global citizens who achieve their full potential.*

**MISSION STATEMENT – BILLINGS CATHOLIC SCHOOLS**

*Billings Catholic Schools will provide and exceptional Catholic education emphasizing formation in faith, family spirit and academic excellence.*

**MISSION STATEMENT - SCHOOL RESOURCE OFFICER PROGRAM**

*Through education and enforcement and by cooperative efforts with the school staff, the students, the parents, the courts, the surrounding neighborhood, and the community's social service organizations, the SRO program strives to assist the schools with providing a safe school and neighborhood environment, and strives to hold juveniles responsible for their actions and prevent individual problems from developing into patterns of delinquency.*

## **PROGRAM OBJECTIVES**

1. Friendly contact between the Police Department and the City's youth. Provide students, faculty and staff, and families the opportunity to meet and interact with a police officer in a non-confrontational setting. Many people, especially our young people, do not often get the chance to learn about who the officers are "behind the badge". This program provides the opportunity for the officer to serve as a role model as well as a resource and a mentor to students.
2. Assistance and information-sharing concerning problems and issues affecting the schools and students.
3. Education of children regarding personal rights and responsibilities, the role of laws, courts, and police in society, and other law-enforcement related topics. However, SROs shall not give legal advice to students, families, or school employees.
4. Protection from and education of children regarding alcohol and drugs, gangs, molestation, involvement with older law violators, and other harmful influences.
5. Investigation of cases involving juveniles and use of effective alternatives to court whenever possible.
6. Prevention of crime or delinquent behavior by juveniles within the School Resource Officers' areas of assignment. Increase in safety and security of the school's students, faculty, staff, and visitors.
7. Effective problem solving and liaison with neighborhoods surrounding the schools, which are affected negatively when there is poor student conduct.

## **SUMMARY OF SRO RESPONSIBILITIES**

SROs are employees of the City of Billings Police Department and are subject to the administration, supervision, and control of the City. SROs are police officers assigned as Uniform Patrol Officers of the Operations Division of the Billings Police Department and are subject to the chain of command of the police department. SROs are not employees or agents of the School District, and no employee or agent of the School District shall be deemed an employee or agent of the City. SROs are police officers and not school teachers, school administrators, school counselors, school officials, or other school employee.

The SROs' primary responsibility is to maintain law and order in the schools and to insure that the students and faculty have a safe, secure, and drug free educational environment. As such, the SROs investigate criminal cases involving youth, maintain order through the enforcement of local, state and federal laws, recover stolen property, bring perpetrators to justice, and support school administration in enforcing the conduct policies of the Billings Public Schools. As law enforcement officers, SROs must comply

with the federal and state constitutions, laws, and City policies and procedures. The School District cannot be held liable or responsible for the SRO's failure to comply with these obligations.

The SRO will be responsible for carrying out his/her duties at the assigned schools.

- ◆ SRO are “non-exempt” employees covered by the federal Fair Labor Standards Act and the Montana Wage and Hour laws. Wages, benefits, and other terms and conditions of employment comply with those laws, the City employment contract, and the current collective bargaining agreements between the Montana Public Employees Association-Billings Police Unit and the City.
- ◆ SRO are governed by the rules, policies, shifts, schedules, procedures and practices of the Billings Police Department and the City of Billings, under the supervision of an assigned Sergeant.
- ◆ SRO are encouraged to be a part of student groups and school staff when requested, and to work as a team with school administration for the betterment of students and the school and neighborhood environment as a whole.
- ◆ SROs are encouraged to work extra curricular activities as requested by the school administrator. It is recognized by all parties that these assignments provide further opportunities for crime prevention and crime detection. The SRO will not be used as a replacement security officer for off-duty/special duty assignments. If security is needed at special events, the School District is encouraged to employ its own security personnel or contract with a private security provider. All work outside of school hours shall be approved by the assigned Police Department Supervisor in advance and will be consistent with the federal and state wage and hour laws and the collective bargaining agreement. The cost of any overtime will be the responsibility of the City of Billings. The School District shall provide documentation to the City of Billings regarding any additional hours, if requested.
- ◆ SROs are expected to keep the school principal or his designee informed about law enforcement action which occurs on school property and/or which may involve a student unless the information cannot be released pursuant to the Montana Criminal Justice Information Act. The City and School District agree to cooperate with each other during their respective investigations.
- ◆ SROs are expected to attend all training, meetings, and appointments assigned by the Police Department. It is recognized that some of these will conflict with officer availability at the school during normal school hours. These conflicts will be minimized as much as possible, but the potential exists that such requirements will take precedence over school presence. The SROs shall strive to keep the school principal or designee informed about such absences as appropriate on a need to know basis.

- ◆ If the SRO is absent from work, the SRO shall notify the City of Billings in accordance with its usual protocols and the Principal of the school to which the SRO is assigned. If during the SRO absence an incident arises that requires police involvement, the School District shall notify the Police Department who shall provide an officer to respond to the incident.
- ◆ It is the intent of the parties that the SRO duty hours shall conform to the school day. Duty assignment in the summer months, when school is not in session, will be under the direction of the Police Operations Commander. SROs may also be required to work regular police duty assignments at other times when school is not in session, when so directed by the Police Operations Commander.
- ◆ The SROs shall coordinate closely with the school Principals on all matters and seek guidance, permission, and advice as to any actions or activities that are not law enforcement. The Principal has the primary responsibility for education and maintaining discipline at the school, and the SRO is there to assist the Principal as the Principal determines is necessary. In so doing, the SRO shall be the designee of the Principal in maintaining the safety of the physical plant of the school, which includes but is not limited to the building(s), ground(s), parking lot(s), locker(s) and other public school property. The Principal and SRO will develop a system of record-keeping by which the SRO logs and shares information that is relevant to school administration's management of the school.
- ◆ SROs will not be involved in ordinary school discipline, UNLESS it will prevent a disruption and/or situation that places someone at risk of imminent and serious harm. Disciplining students is a School District responsibility, and only when the Principal (or designee) and the SRO agree that SRO assistance is needed to maintain a safe and proper school environment will the Principal request such assistance and the SRO provide it. The SRO program is not intended to be a substitute for or relieve the school administrators of their responsibility for maintenance of discipline and good order in the schools.
- ◆ The School District shall provide training regarding school policies and procedures.

## **TRANSPORTING STUDENTS**

SROs shall not transport students in Police Department vehicles except:

- i. When the student is a victim of a crime, under arrest, or some other emergency circumstances exist; or
- ii. When a student is suspended and/or sent home from school pursuant to school disciplinary actions, if the student's parent/guardian/caretaker has refused or is unable to

pick up the child within a reasonable time period and the student is disruptive/disorderly and his or her continued presence on campus is a threat to the safety and welfare of other students or school personnel. The student's parent/guardian/caretaker will be notified of this transportation prior to it occurring; or

iii. At the request of a parent/guardian/caregiver with approval of the principal, under exigent circumstances.

Prior to transporting any student, school administration and/or the SRO must determine that the student's parent/guardian/caregiver is at the destination to which the student is being transported. SROs shall not transport students in their personal vehicles.

SROs shall notify school administration prior to removing a student from campus.

## **ACCESS TO EDUCATION RECORDS**

A. School administration shall allow SROs to inspect and copy any public records maintained by the school to the extent allowed by law and constitution. School administration and the SRO may share information and provide assistance to each other concerning problems and issues affecting the schools to the extent allowed by law and constitution.

B. If confidential information in a student's record is needed in an emergency to protect the health and safety of the student or other individuals, school administration may disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety, the need for the information to meet the emergency, and the extent to which time is of the essence. The SRO shall not disclose that information to anyone else except as allowed by law.

C. If the SRO requests confidential student records or information, but no emergency exists, the information may only be released to the SRO as allowed by law, constitution, and policy. Directory information, as defined by FERPA and policy, is not confidential and is available to the SROs.

## **INDEMNIFICATION**

The School District shall provide, at its own expense, adequate liability insurance coverage. The School District shall defend, indemnify, and hold harmless the City and the SROs from any and all claims for loss or damage to property or injury or death to persons, including costs, expenses, and reasonable attorney's fees, arising from the negligent or wrongful acts or omissions of the School District, its trustees, employees, agents, or representatives.

The City of Billings shall provide, at its own expense, adequate liability insurance coverage. The City shall defend, indemnify, and hold harmless the School District, its trustees, agents, employees, representatives, and volunteers from any and all claims for

loss or damage to property or injury or death to persons, arising from the negligent or wrongful acts or omissions of the City, its Council Members, Mayor, employees (including the SROs), agents, or representatives.

## **SELECTION AND FINANCIAL CONSIDERATION**

One (1) officer will be selected by means of a joint selection committee, comprised of three (3) representatives from the School District who will be appointed by the Superintendent of Schools and the President of the Billings Catholic Schools, and three (3) representatives from the Billings Police Department who will be appointed by the Billings Chief of Police. The Selection Committee will make recommendations to the Chief of Police. While the Chief of Police will duly consider the Committee's recommendations, selection of each School Resource Officer is within the sole discretion of the Chief of Police. In return for services provided by the officer, the School District will pay to the City of Billings the sum of seventy-eight thousand five hundred ninety-eight dollars (\$78,598) to cover the salary and benefits for an entry level officer for 12 months. Payment shall be made no later than three days before the start of school.

Both schools will provide a private office, office furnishings, telephone, a computer, and any other necessary office supplies to the SRO for his/her use in the school. The School District (Career Center) will also provide reimbursement for any required police equipment, including radios and a motorized vehicle to the SRO needed for completion of duties. The Police Department will provide to its SROs any required police equipment, including but not limited to radios and motorized and non-motorized vehicles.

## **PARTNERSHIP WITH BILLINGS CATHOLIC SCHOOLS**

The parties agree that twenty (20) percent of the Career Center SRO time will be used to provide services to Billings Catholic Schools. The parties further agree that BCS will reimburse the School District for twenty (20) percent of all costs incurred under this agreement. Reimbursement will be made by BCS to the School District within thirty (30) days of the date of the School District's payment. The School District is responsible for assessing BCS for its share of the SRO and related costs under this agreement.

## **PROGRAM ASSESSMENT**

SROs, School Administration for the respective middle and/or high schools, and the assigned Police Supervisor will meet at the beginning of each school year to set the goals and objectives of the SRO for the respective school. An assessment mechanism will be developed jointly that will be used to determine the effectiveness of the SRO program. The School Resource Officer Program will be assessed annually, and the evaluation will be conducted jointly by the Billings Police Department and Billings Public Schools. Quarterly and year end meetings will be held to determine progress and to make adjustments as needed.

The following topics, at a minimum, will be used to evaluate the program:

- ◆ Success of established goals and objectives.
- ◆ An internal survey of high school administration, faculty and student council members, primarily concerning perceptions of safety and security.
- ◆ Traditional police-citizen contacts (warnings, citations, arrests, FIRs, etc.).
- ◆ Non-traditional police-citizen contacts (meetings attended, problem areas addressed, student or family interviews, etc.).
- ◆ Surrounding neighborhood feedback and reaction to police efforts to address issues concerning the schools and students.
- ◆ Accomplishment of tasks agreed upon as part of any work plan written in conjunction with the Principal.

In addition, each officer's effectiveness in the program will be evaluated at the end of each school term. School District administration, through the Superintendent or designee, will provide input into the evaluation, including information regarding and supporting any dissatisfaction. This input may include a recommendation to the Chief of Police that the officer not be assigned to that school the following year. The Chief of Police will seriously consider the evaluation and the input of the Superintendent when assigning an officer to a building, and will make a good faith effort to address any concerns raised. Ultimately, however, the final decision on which officer will be assigned as a school resource officer and where is within the sole discretion of the Police Chief.

#### **EFFECTIVE DATE**

This Memorandum of Understanding is effective July 1, 2020, and shall remain in effect through June 30, 2021, unless renewed by agreement of both parties or terminated as provided herein.

#### **TERMINATION OF AGREEMENT**

Either party may terminate this agreement upon sixty (60) days written notice to the other party. If this agreement is terminated by the School District, then the full balance of the amount paid will be retained by the City of Billings. If the agreement is terminated by the City of Billings, then the pro-rated balance of the amount paid will be refunded to the School District who will reimburse Billings Catholic Schools with its portion. The pro-rated balance will be based on the total number of school days for the 2020-2021 school year and the number of school days remaining after the date of termination of the agreement. Both parties will cooperate to complete any investigations and to participate in any court or disciplinary proceedings which extend beyond the termination of this agreement.

#### **NOTICES**

All requests, notices, payments, demands, authorizations, directions, consents, waivers or other documents required or permitted under this Agreement shall be in writing and shall

be delivered in person to, or deposited postage prepaid and return receipt requested in the registered or certified mails of the United States, addressed to the City of Billings at:

Chief of Police, Billings Police Department, City of Billings,  
P. O. Box 1554, Billings, MT 59103

or to Billings Public Schools at:

Superintendent, Billings Public Schools,  
Lincoln Center, 415 North 30th Street  
Billings, MT 59101

Or to Billings Catholic Schools at:

President  
Billings Catholic Schools  
P.O. Box 31158  
Billings, MT 59107

Notice is deemed given upon receipt.

**MODIFICATION; ENTIRE AGREEMENT OF PARTIES EXPRESSED**

This Memorandum of Understanding expresses the entire agreement of the parties. No modification of this Agreement shall be valid or binding unless the modification is in writing, dated, and signed by both parties.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2020.

**BILLINGS PUBLIC SCHOOLS**

Attest:

\_\_\_\_\_  
Clerk of the District

By:\_\_\_\_\_  
Greg Upham, Superintendent

**CITY OF BILLINGS**

Attest:

\_\_\_\_\_  
City Clerk

By:\_\_\_\_\_  
William A. Cole, Mayor

**BILLINGS CATHOLIC SCHOOLS**

Approved:

\_\_\_\_\_  
Shaun Harrington, President

Approved as to form and content:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Attorney for Billings Public Schools

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Grant Award from DEQ Montana Energy Office - \$25,500

**PRESENTED BY:** Tracy Scott, Parking Manager

**Department:** Parking

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**RECOMMENDATION**

Staff recommends accepting the \$25,500 grant award from DEQ Montana Energy Office for the purpose of installing 3 dual electric car charging stations; two dual stations installed at the Wells Fargo Drive Through area attached to Park 2 and one installed at 1050 N. 29th St. located within the Hospital Corridor.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The City of Billings Parking Division has submitted a grant application to the DEQ Montana Energy Office in the amount of \$25,500 to offset the cost to install three dual electric car charging stations. Providing electric car charging stations allows for the city to better accommodate the public who use this type of transportation.

**ALTERNATIVES**

City Council may:

- Approve, or; Disapprove these grant funds.

**FISCAL EFFECTS**

Approximate amount for completed project: \$39,087. (One time cost to the Parking Division: \$13,587. DEQ Grant amount: \$25,500). Ongoing charges: minimal cost for use of electricity and upkeep of the charging stations. Meters will also be installed at these locations charging an amount of \$2.50 per hour to help defer operational costs. Acceptance of this grant award would help balance out the cost to the City Parking Division.

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**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Acceptance and Approval of Billings PD 2019 Project Safe Neighborhood Researchers Grant in the Amount of \$40,000

**PRESENTED BY:** Rich St. John, Police Chief

**Department:** Police

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**RECOMMENDATION**

Staff recommends that the City Council approve and accept the Billings PD 2019 Project Safe Neighborhoods Researchers Grant in the amount of \$40,000.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

In April 2018, the Billings Police Department began working with the U.S. Attorney's office on the Project Safe Neighborhoods initiative to curb violent crime and drug use in this jurisdiction. Part of this on-going partnership is for Billings Police Department to track both historic and current monthly data in these crime areas.

Analysis is required to convert the data to information that can be used to build strategies for responding to crime. This material will be leveraged to take proactive stances that disrupt violent and drug crimes. To complete the analysis, Billings Police Department will rely upon paid interns and overtime by the department's Crime Analyst. The interns will complete the matrix on a minimum of three (3) months of crimes from 2019. They will organize, analyze and summarize information from the matrix. Funds from this Grant will be used to pay intern wages and project overtime for the Crime Analyst.

**ALTERNATIVES**

City Council may:

- Approve and Accept the Billings PD 2019 Project Safe Neighborhood Researchers Grant in the amount of \$40,000, or
- Not Approve and Accept the Billings PD 2019 Project Safe Neighborhood Researchers Grant in the amount of \$40,000, which would cancel the research.

**FISCAL EFFECTS**

There is no impact to the General Fund as the Billings PD 2019 Project Safe Neighborhood Researchers Grant will require no City match.

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**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Acceptance and Approval of FY19 Railroad Trespassing Enforcement Grant in the Amount of \$50,000

**PRESENTED BY:** Rich St. John, Police Chief

**Department:** Police

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**RECOMMENDATION**

Staff recommends that the City Council Approve the grant award for the FY19 Railroad Trespassing Enforcement Grant in the amount of \$50,000.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The Billings Police Department, Yellowstone County Sheriff's Office, Laurel Police Department, Montana Public Safety Commission, and BNSF Railway Police formed a task force to combat trespassing near railway properties in Billings and Yellowstone County. Patrols will help to eliminate illegal activities such as theft, vandalism, open container and reduce transient encampments.

Grant funds will pay for officer overtime and wages directly related to railroad trespassing patrols.

**ALTERNATIVES**

City Council may:

- Approve, the FY19 Railroad Trespassing Enforcement Grant in the Amount of \$50,000 and authorize the Mayor to sign the award documents or;
- Disapprove FY19 Railroad Trespassing Enforcement Grant in the Amount of \$50,000, which would eliminate funds for overtime details.

**FISCAL EFFECTS**

There is no impact to the General Fund as no match is required for this grant.

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**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Acceptance of Donation from Phillips 66 in the Amount of \$50,000

**PRESENTED BY:** Rich St. John, Police Chief

**Department:** Police

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**RECOMMENDATION**

Staff recommends that City Council accept a donation from Phillips 66 in the amount of \$50,000 to be used as seed money for the development of a body worn camera program.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

Council policy requires that any donation greater than \$500 must be approved by the City Council. Phillips 66 has donated money to the Police Department in support of various programs over the past several years. This years donation would support a body camera program. Past donations supported SRO, K-9, Firearms, and Civil Disobedience programs.

**ALTERNATIVES**

City Council may:

- Approve the donation from Phillips 66 in the amount of \$50,000 or;
- Disapprove the Donation from Phillips 66 in the amount of \$50,000 which would cancel the program.

**FISCAL EFFECTS**

There is no impact to the General Fund. However, full implementation of a body camera program will cost approximately \$131,000. Additional funding sources will be sought at a later date.

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**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Midland Subdivision, 1st Filing, Amended Lot 1, Block 1 - Preliminary Minor Plat

**PRESENTED BY:** Monica Plecker

**Department:** Planning & Community Services **Division:** Planning

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**RECOMMENDATION**

Staff recommends conditional approval of the preliminary plat of Midland Subdivision, 1st Filing, Amended L1, B1 to the City Council, and adopt the Findings of Fact as presented in the staff report.

**PROPOSED CONDITIONS OF APPROVAL**

Planning staff recommends the following conditions of approval:

1. To protect public health and safety, prior to final plat approval, the applicants agent will submit all required drawings and specification for the water, sanitary sewer, storm drain plan and fire hydrant locations to City of Billings Engineering Division and City of Billings Fire Department for review and approval.
2. To protect public health and safety with increased area traffic, prior to final plat approval, the applicant will submit a TIS with all necessary information required by City of Billings Engineering Division for review and approval. Any impacts identified by the TIS shall be addressed by the applicant and be outlined in the SIA under the heading III Transportation, A. Streets.
3. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for postal delivery to their location.
4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

On July 1, 2020, Sanderson Stewart, for 640 S 24th St W Associates LLC, applied for preliminary major plat approval for Midland Subdivision, 1st Filing, Amended L1, B1. The proposed subdivision creates 2 lots. The subject property is generally located on the northwest corner of the intersection of South 24th Street West and Marketplace Street. The property is zoned Controlled Industrial (CI). This lot is the current location of Planet Fitness, formerly Toys R Us. The proposed additional lot is for commercial development.

Consistency with the 2016 Growth Policy, the 2018 Transportation Plan and Billings Area Bikeways and Trail Master Plan are discussed within the Findings of Fact which is attached to this report.

## PROCEDURAL HISTORY

- Pre-application meeting March 19, 2020
- Preliminary plat application submitted to Planning Division July 1, 2020
- Preliminary plat to City Council August 10, 2020
- 35 working-day preliminary plat review period ends August 20, 2020

## PLAT INFORMATION

General location:	Northwest corner of the intersection of South 24th Street West and Marketplace Street
Legal Description:	Midland Subdivision, 1st Filing, L1, B1
Owner/Subdivider:	640 S 24th St W Associates LLC
Engineer and Surveyor:	Sanderson Stewart / TerraForm Companies, LLC
Existing Zoning:	Controlled Industrial
Existing land use:	Parking lot
Proposed land use:	Commercial development
Gross and Net area:	5.91 acres / 5.91 acres
Proposed number of lots:	2
Lot size:	Max: 4.46 acres Min.: 1.45 acres
Parkland requirements:	This commercial development is not required to provide parkland dedication.

## STAKEHOLDERS

A public hearing is not scheduled for the City Council meeting; however nearby property owners may attend the City Council meeting. The Planning Division has received no public comments or questions regarding the proposed subdivision.

## FISCAL EFFECTS

Approval of this subdivision does not impact the Planning Division budget.

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## Attachments

Findings of Fact  
Proposed Plat  
SIA  
Mayors Approval Letter

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## FINDINGS OF FACT

The Planning staff has prepared the Findings of Fact for the preliminary plat of Midland Subdivision, 1<sup>st</sup> Filing, Amended L1, B1. These findings are based on the preliminary plat application and supplemental documents; addressing the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

**A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3) (a) and BMCC 23-302.H.2.]**

### **1. Effect on agriculture and agricultural water user facilities**

The subject property is currently a parking lot. There are no existing irrigation facilities on the subject property. The proposed subdivision will not have an impact on existing agricultural areas. There is no anticipated negative effect on agricultural irrigation facilities or agriculture from this proposal.

### **2. Effect on local services**

- a. **Utilities** – Water service will be provided by the City of Billings. The developer will connect to existing water lines in South 24<sup>th</sup> Street West at time of development on proposed Lot 1B. New water main connection and any needed fire hydrants shall be in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality (MDEQ). **(Condition #1)**

Sanitary sewer service will be provided by the City of Billings. This subdivision will be connecting to the existing sanitary sewer service that currently runs to proposed Lot 1A in lieu of constructing separate sanitary sewer service. Lot 1B will be allowed to share the line with Lot 1A through a Multiple Service Agreement. The subdivider will install sewer lines in accordance with design standards, specifications, rules and regulations of the City of Billings Public Works Department and MDEQ as outlined in the SIA under the heading VI Utilities B. Sanitary Sewer. **(Condition #1)**

Private utility companies will provide gas and electric services to the subdivision. Easements and services already existing within the subdivision.

- b. **Storm water** – Storm water drainage is to be handled through surface flow and piping within the existing Midland Subdivision, 1<sup>st</sup> Filing. All drainage improvements shall satisfy the criteria set forth by the *City of Billings Stormwater Management Manual* and will be subject to review and approval by the City Engineering Division. **(Condition #1)**
- c. **Solid waste** – The City of Billings will provide solid waste collection and disposal. The City's landfill has adequate capacity for this waste.

- d. **Streets** – All internal streets are built and are private streets within Midland Subdivision. There will be no additional streets constructed within the proposed subdivision.

The applicants' agent will be providing a TIS prior to final plat approval. It will be submitted to the City Engineering Division for review and approval. Any construction and/or financial contributions for improvements along adjacent streets and within the subdivision identified within the TIS shall be addressed at the time of final plat approval and installed as agreed upon with the City Engineering Division. **(Condition #2)**

- e. **Emergency services** – The Billings Police and Fire Department will respond to emergencies within the proposed subdivision. The fire station that services this area is located at 604 S. 24<sup>th</sup> St. West (Station #5). The applicant will be installing fire hydrants at the required locations to meet regulations outlined in Fire Code. **(Condition #1)**

The Billings Police noted in comments that “continued development will eventually require additional resources to maintain current levels of service”.

The subdivision is located within the ambulance service area of American Medical Response (AMR).

- f. **Schools** – The subdivision is within School District #2. Because it is a commercial development, there will be no impact to schools in the area.
- g. **Parks and Recreation** – There is no parkland dedication requirement for this subdivision, as it is a commercial subdivision and a minor subdivision.
- h. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. The applicant will work with the USPS to determine postal delivery to their location. **(Condition #3)**

### **3. Effect on the natural environment**

The subject property is not a significant habitat for wildlife. During development, storm water pollution prevention best management practices are required and monitored to prevent erosion on exposed ground. Overall, the effect on the natural environment should be minimal.

### **4. Effect on wildlife and wildlife habitat**

There are no known endangered or threatened species on the property. This subdivision is in a high traffic area with major development surrounding the lots. This subdivision should have a minimal effect on wildlife and wildlife habitat.

**5. Effect on the public health, safety and welfare**

There should be no impacts to public health, safety and welfare because of this subdivision.

**B. Was an Environmental Assessment required? [(MCA 76-3-616 and BMCC 23-302.H.1.)]**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-210, MCA.

**C. Does the subdivision conform to the Yellowstone County-City of Billings 2016 Growth Policy, the 2018 Billings Urban Long Range Transportation Plan and the Billings Area Bikeway and Trail Master Plan? [BMCC 23-302.H.4.]**

**1. City of Billings 2016 Growth Policy**

The proposed subdivision is consistent with the following goals of the Growth Policy:

**Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods):** Neighborhoods that are safe and attractive and provide essential services are much desired (p.8).

**Prosperity (promoting equal opportunity and economic advancement):** A diversity of available jobs can ensure a strong Billings' economy (p.9).

**2. 2018 Billings Urban Long Range Transportation Plan**

The proposed subdivision adheres to the goals and objectives of the 2018 Transportation Plan and preserves the street network and street hierarchy specified in the plan.

**3. Billings Area Bikeways and Trail Master Plan (BABTMP)**

The proposed subdivision lies within the jurisdiction of the BABTMP. There is a future bike boulevard along South 24<sup>th</sup> Street West with a proposed bike boulevard along Stillwater Drive. This subdivision will not be installing any bike trail facilities.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608 (3) (b) and BMCC 23-302.H.3.a.]**

The proposed subdivision satisfies the requirements of the Montana Subdivision and Platting Act and to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

**E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-302.H.3.e.]**

The subject property complies with current zoning and further compliance requirements will be enforced with future construction on the newly created Lot 1B.

**F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608 (3) (c) and BMCC 23-302.H.3.b.]**

The subdivider has provided utility easements required by the private utility companies.

**G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608 (3) (d) and BMCC 23-302.H.3.c.]**

Legal and physical access is provided to the proposed lots from Marketplace Street.

**CONCLUSIONS OF FINDINGS OF FACT**

- The preliminary plat of Midland Subdivision, 1<sup>st</sup> Filing, Amended L1, B1 does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to some of the goals and policies of the 2016 Growth Policy and does not conflict with the 2018 Billings Urban Long Range Transportation Plan or Billings Area Bikeways and Trail Master Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

**RECOMMENDATION**

The Planning Staff recommends conditional approval of the preliminary plat of Midland Subdivision, 1<sup>st</sup> Filing, Amended L1, B1 to the City Council, and adopt the Findings of Fact as presented in the staff report and the SIA.

Approved by the Billings City Council, August 10, 2020.

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William A. Cole, Mayor

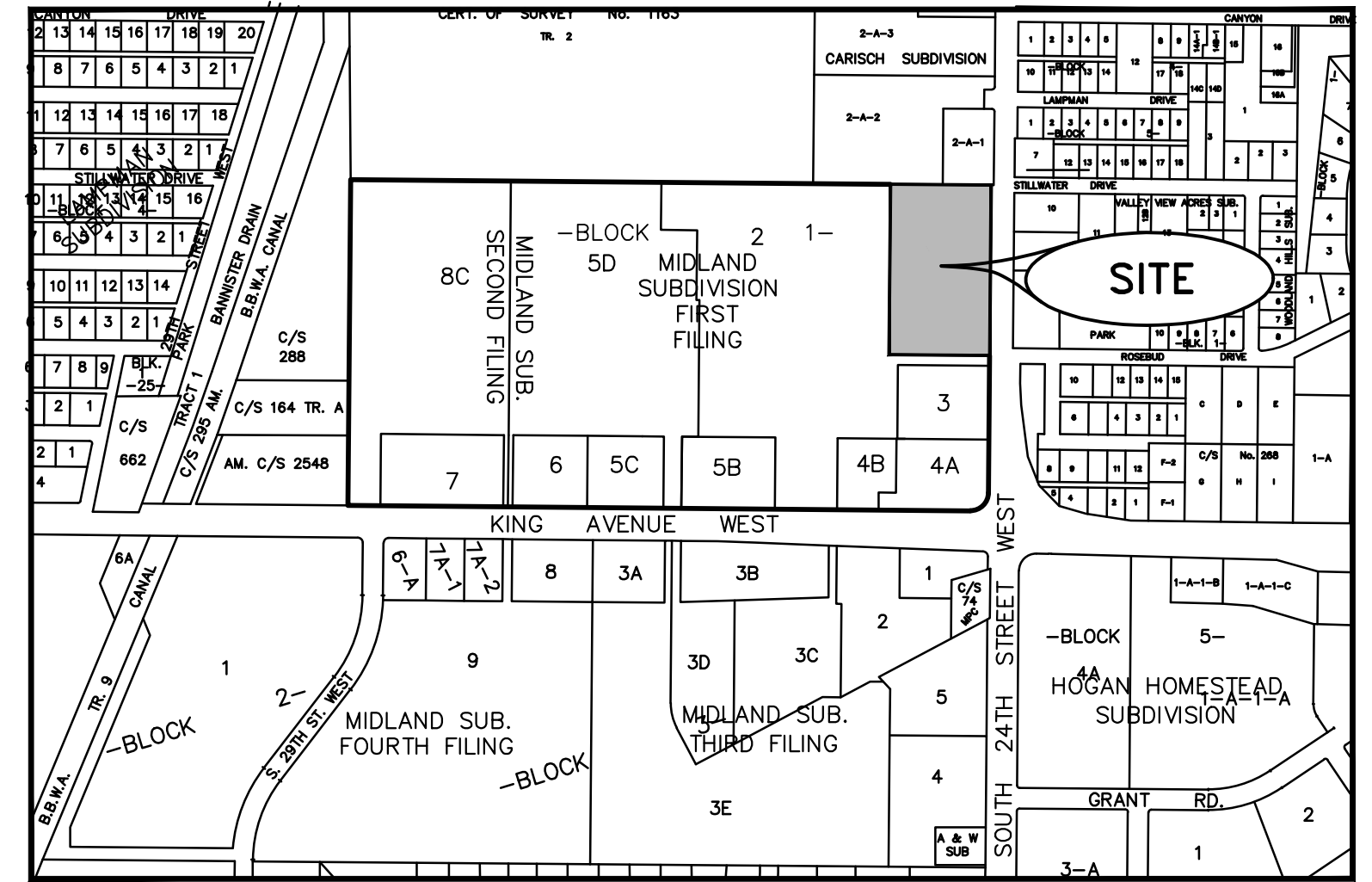
PRELIMINARY AMENDED PLAT OF LOT 1, BLOCK 1,  
**MIDLAND SUBDIVISION, FIRST FILING**  
 SITUATED IN THE SOUTHEAST 1/2 OF SECTION 12, T. 1 S., R. 25 E., P.M.M.  
 BILLINGS, MONTANA

PREPARED FOR : TERRAFORM COMPANIES

MARCH, 2020

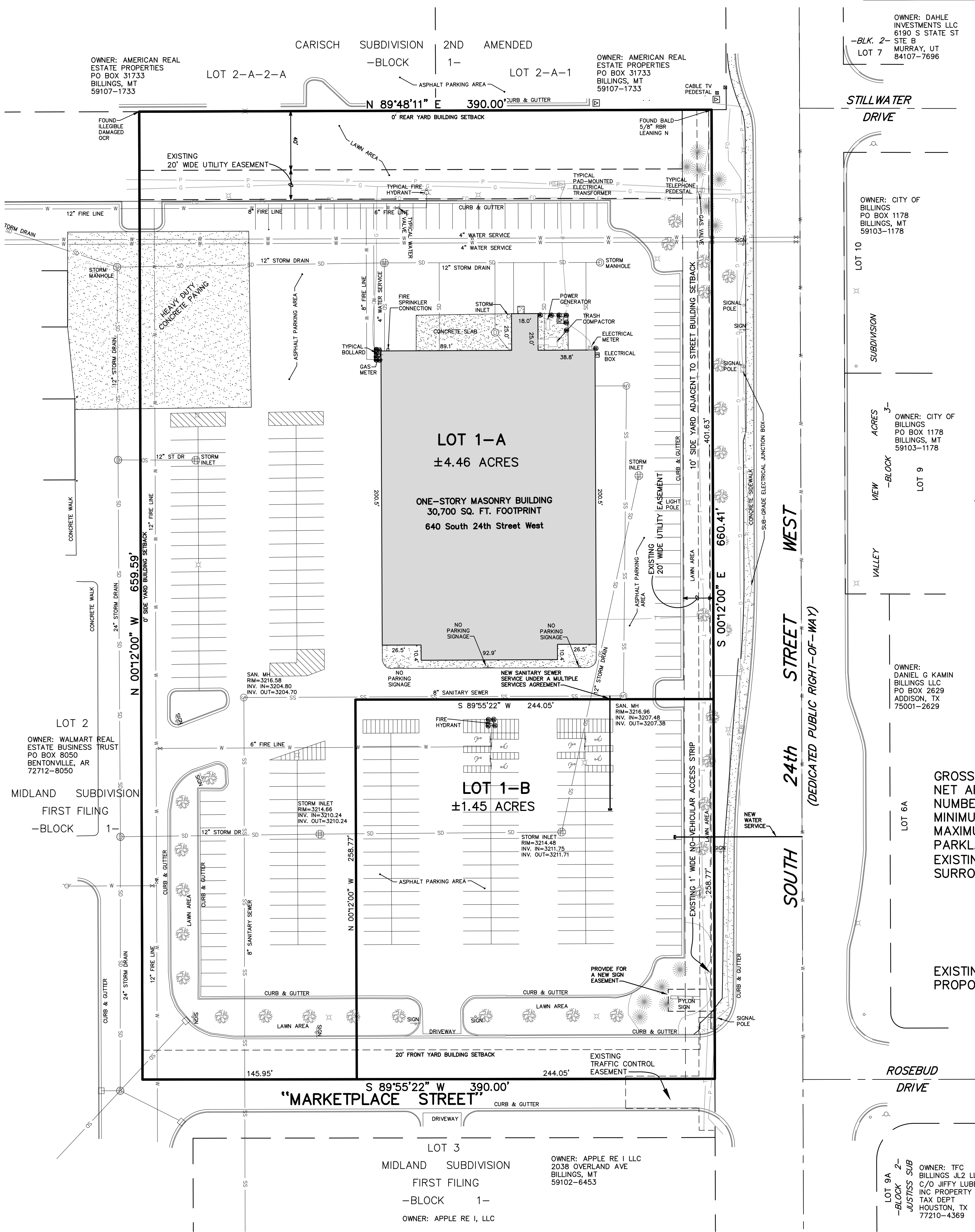
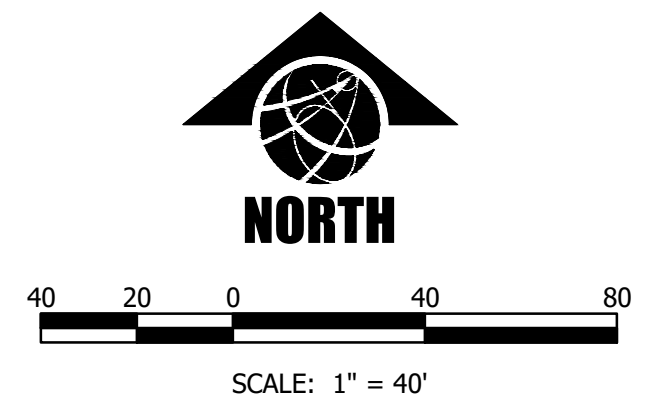
PREPARED BY : **SANDERSON STEWART**

BILLINGS, MONTANA



**VICINITY MAP**

NOT TO SCALE



**PLAT DATA**

GROSS AREA	=	5.91 ACRES
NET AREA	=	5.91 ACRES
NUMBER OF LOTS	=	2
MINIMUM LOT SIZE	=	1.45 ACRES
MAXIMUM LOT SIZE	=	4.46 ACRES
PARKLAND REQUIREMENT	=	NONE REQUIRED
EXISTING ZONING	=	CONTROLLED INDUSTRIAL
SURROUNDING ZONING:		
NORTH	=	COMMUNITY COMMERCIAL
SOUTH	=	CONTROLLED INDUSTRIAL & NEIGHBORHOOD COMMERCIAL
EAST	=	R-7000, PLANNED UNIT DEV. & NEIGHBORHOOD COMMERCIAL
WEST	=	CONTROLLED INDUSTRIAL
EXISTING LAND USE	=	FITNESS CENTER
PROPOSED LAND USE		
LOT 1-A	=	NO CHANGE
LOT 1-B	=	RESTAURANT

Remit to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST FUTURE SPECIAL  
IMPROVEMENT  
PLAT OF AMENDED LOT 1, BLOCK 1  
MIDLAND SUBDIVISION, FIRST FILING  
CITY OF BILLINGS  
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Return to:  
Sanderson Stewart  
1300 North Transtech Way  
Billings, MT 59102

**SUBDIVISION IMPROVEMENTS AGREEMENT  
& WAIVER OF RIGHT TO PROTEST  
FUTURE SPECIAL IMPROVEMENT DISTRICTS  
PLAT OF AMENDED LOT 1, BLOCK 1  
MIDLAND SUBDIVISION, FIRST FILING**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **640 S 24th STREET W ASSOCIATES LLC**, whose address for the purpose of this agreement is 141 W Campbell Rd, Schenectady, NY 12306, hereinafter referred to as “Subdivider”, and the **CITY OF BILLINGS**, Billings, Montana, hereinafter referred to as “City.”

**WITNESSETH:**

**WHEREAS**, the plat of Amended Lot 1, Block 1, Midland Subdivision, First Filing, located in Yellowstone County, Montana, was submitted to the Yellowstone County Board of Planning; and

**WHEREAS**, at a regular meeting conducted on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the City Council conditionally approved a preliminary plat of Amended Lot 1, Block 1, Midland Subdivision, First Filing; and

**WHEREAS**, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat; and

**WHEREAS**, the real property affected by the proposed amended plat is covered by and subject to the terms and conditions of that certain Subdivision Improvements Agreement and Waiver between United Industry, Inc. as “Owners and Subdividers” and the City of Billings as “City,” dated the 13th day of July, 1992 and recorded the 14th day of July, 1992, under Document No. 1643293 for Midland Subdivision, First Filing, all in records of Yellowstone County; and;

**WHEREAS**, the real property affected by the proposed amended plat is covered by and subject to the terms and conditions of that certain Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements dated the 30th day of June, 1992, and recorded the 14th day of July, 1992, under Document No. 1643294 for Midland Subdivision, First Filing, and the modifications to those Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements recorded on the 2nd day of August, 1992, under document number 1648858, on the 27th day of October, 1992, under document number 1657678, and on the 4th day of June, 2002, under document number 3178954 , all in records of Yellowstone County; and

**WHEREAS**, the provisions of this agreement shall be effective and applicable to Amended Lot 1, Block 1, Midland Subdivision, First Filing upon the filing of the final plat thereof in the office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Billings Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Billings, and the laws and administrative rules of the State of Montana.

**THEREFORE, THE PARTIES TO THIS AGREEMENT**, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

**I. VARIANCES**

- A.** Subdivider has requested, and the City hereby grants, the following variances by the City Council from the strict interpretation of the City's Subdivision Regulations (Section 23.1101, BMCC):
1. None requested.

**II. PROPERTY CONDITIONS AND INFORMATION FOR LOT PURCHASERS**

- A.** Lot owners should be aware that a geotechnical investigation will be required prior to future construction. Assessment and mitigation of any conditions shall be the responsibility of the lot owner.
- B.** There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver will be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider, and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned

on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

- C. Individual lot owners should be aware that Best Management Practices for stormwater control shall be required for new construction on lots. Best Management Practices are defined within Section 28-201, BMCC and detailed in the Billings Stormwater Management Manual.

### III. TRANSPORTATION

#### A. Streets

Subdivider and City agree that the required street improvements are as follows:

1. Access to the lots is provided by King Avenue West and 24th Street West through Notice of Reciprocal Easement and matters incidental thereto, contained in Declaration of Covenants, Conditions and Reciprocal Easements, recorded the 14th day of July, 1992, under Document No. 1643294 for Midland Subdivision, First Filing. All future site improvements within the subdivision will be in accordance with the City of Billings Site Development Ordinance, City Zoning Ordinance, the Uniform Building Code, the most current *Stormwater Management Manual*, and other applicable City codes, rules, and regulations.
2. A Traffic Impact Study shall be required to be submitted to the Engineering Division for review and approval prior to final plat approval. Construction and/or financial contribution for improvements along adjacent streets, and within the subdivision, shall be in accordance with that document and as generally described herein.
3. Intersection contributions are also identified within the Traffic Impact Study and noted herein. The costs for these intersection improvements shall be paid for at time of development of Lot 1B.

Based on the Traffic Impact Study, the intersection contributions shall be paid at the time of Lot 1B development and are as follows:

**B. Sidewalks**

Sidewalks along the King Avenue West and 24th Street West frontage currently exist, and no additional sidewalk improvements will be required as part of this subdivision.

Internal sidewalks will be required to comply with 50-60-213, MCA.

**C. Street Lighting**

Street lights along the King Avenue West and 24th Street West frontage currently exist and no additional street light improvements will be required as part of this subdivision. Street lighting for the internal streets and parking lots will be included as part of the site development.

**D. Traffic Control Devices**

Even though traffic control devices along the King Avenue West and 24th Street West frontage are currently installed, any required traffic signal, signage, and striping improvements shall be installed in accordance with the Traffic Impact Study. The timing, extent and level of participation in those improvements shall be in accordance with approval by the City of Billings.

**E. Access**

Access is permitted to Lot 1A and Lot 1B from King Avenue West and 24th Street West via the existing internal access roads.

The interior access roads within the Marketplace development provide the network for traffic circulation and connection with the above-described accesses to King Avenue West and 24th Street West per the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements filed with the original subdivision plat under records of the Yellowstone County Clerk and Recorder, Document No. 1643294.

City and Subdivider agree that access shall be provided between lots to provide interconnectivity. Access shall be provided from each lot for future connections in accordance with the Reciprocal Easement Agreement previously recorded.

No new or additional accesses to King Avenue West or 24th Street West will be allowed.

The access along the south property boundary of Lot 1B to “Marketplace Street”, a private street within the subdivision, will be allowed to be relocated at the time of development of Lot 1B. Said location of relocated access will be determined at the time of site development and supported by a Traffic Impact Study performed by Subdivider.

**F. Billings Area Bikeway and Trail Master Plan**

No segment of the Bikeway and Trail Master Plan is located in Amended Lot 1.

**G. Public Transit**

Internal street circulation and interconnectivity is provided within the Marketplace retail and commercial center. No other specific public transit provisions are proposed at this time.

**IV. EMERGENCY SERVICE**

Construction of buildings made of combustible materials shall have adequate fire apparatus access roads and water supply (fire hydrants) in place to allow for fire suppression requirements. Prior to the issuance of a building permit for construction using combustible materials (i.e. lumber, plywood, wood trusses, etc.), fire apparatus access roads and water supply requirements shall be provided in accordance with the International Fire Code as adopted by the City of Billings.

At a minimum, the following is required:

- An unobstructed gravel road or gravel road base must be within 150 feet of the furthest portion of a building under construction as measured along the approved route.
- The access roads are required to support fire apparatus vehicle loading (40 tons) during all weather conditions and shall be a minimum of twenty (20) feet wide.
- An operational fire hydrant shall be located within 600 feet of the furthest portion of a residence under construction or within 400 feet of the furthest portion of a commercial building under construction as measured along the access roads to the site.
- The above requirements do not alter or effect the current minimum subdivision requirements for fire apparatus access and water supply.
- Paved emergency access roads and a looped private fire line system with hydrants exists within the development.

The roads and hydrants shall be maintained in accordance to the currently adopted fire code requirements by the Subdivider.

**V. STORM DRAINAGE**

Stormwater will be handled through surface flow and piping within the existing Midland Subdivision, First Filing. All drainage improvements shall comply with the provisions set forth in Chapter 28, BMCC, and the Stormwater Management Manual in place at the time of development. A complete stormwater management plan shall be submitted to the Engineering Division for review and approval at the time of development.

**VI. UTILITIES**

The Subdivision Improvements Agreement does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department – Engineering Division. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications.

The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made.

The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Billings Public Works Department, Fire Department and the Montana Department of Environmental Quality.

**A. Water**

Currently, Lot 1A is provided with an existing City water service. At the time of development, Lot1B will be required to provide an additional water service from the existing water main in 24<sup>th</sup> Street West. Private fire lines exist within the Marketplace development for fire protection.

**B. Sanitary Sewer**

Currently, Lot 1A is provided with an existing City sanitary sewer service from King Avenue West. In lieu of having to construct a separate sanitary sewer service into King Avenue West, Lot1B will be allowed to share the existing service of Lot 1A through a Multiple Service Agreement. This agreement shall be signed, notarized and recorded at the time of final plat approval.

**C. Power, Telephone, Gas, and Cable Television**

Power, telephone, gas, and cable television lines already exist within the public right of-way. Appropriate utility easements will be provided across the subdivision lots for service to the proposed development.

**VII. PARKS/OPEN SPACE**

There is no parkland requirement for proposed Amended Lot 1, Block 1, Midland Subdivision, First Filing, as this is a minor subdivision [MCA 76-3-621(3)(a)].

**VIII. IRRIGATION**

No irrigation ditches are located on this property.

**IX. SOILS/GEOTECHNICAL STUDY**

This subdivision has an existing geotechnical investigation at the time of initial development. A geotechnical investigation shall be provided as part of a building permit application for any new structure on Lot 1B.

**X. LEGAL PROVISIONS APPLYING TO SUBDIVIDER**

- A.** Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the City of Billings.
- B.** The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.
- C.** The covenants, agreements, and all statements in this Agreement run with the land and apply to and shall be binding on the heirs, personal representatives, successors, assigns and transferees of the respective parties.

- D.** In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.
- E.** Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.
- F.** Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.



This agreement is hereby approved and accepted by the City of Billings, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

“CITY”

**CITY OF BILLINGS, MONTANA**

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

STATE OF MONTANA     )  
  : ss  
County of Yellowstone    )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Billings, Montana.

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_





# CITY OF BILLINGS

WILLIAM A. COLE, MAYOR

P.O. BOX 1178  
BILLINGS, MONTANA 59103  
(406) 687-8296  
FAX (406) 657-8390

August 10, 2020

640 S 24<sup>th</sup> Street W Associates, LLC  
141 W Campbell Rd  
Schenectady, NY 12306

Dear Applicant:

On August 10, 2020, the Billings City Council conditionally approved the preliminary plat of Midland Subdivision, 1<sup>st</sup> Filing, Amended L1, B1, subject to the following conditions of approval:

1. To protect public health and safety, prior to final plat approval, the applicants' agent will submit all required drawings and specification for the water, sanitary sewer, storm drain plan and fire hydrant locations to City of Billings Engineering Division and City of Billings Fire Department for review and approval.
2. To protect public health and safety with increased area traffic, prior to final plat approval, the applicant will submit a TIS with all necessary information required by City of Billings Engineering Division for review and approval. Any impacts identified by the TIS shall be addressed by the applicant and be outlined in the SIA under the heading III Transportation A. Streets.
3. To minimize the effects on local service, prior to final plat approval, the applicant will coordinate with the USPS for postal delivery to their location.
4. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Departments to clarify the documents and bring them into the standard acceptable format.
5. The final plat shall comply with all requirements of the City of Billings Subdivision Regulations, rules, regulations, policies, and resolutions of the City of Billings, and the laws and Administrative Rules of the State of Montana.

Should you have questions please contact Dave Green at (406) 247-8666 or by email at [greend@billingsmt.gov](mailto:greend@billingsmt.gov)



# *CITY OF BILLINGS*

*WILLIAM A. COLE, MAYOR*

*P.O. BOX 1178  
BILLINGS, MONTANA 59103  
(406) 687-8296  
FAX (406) 657-8390*

---

Sincerely,

---

William A. Cole, Mayor

pc: Sanderson Stewart  
TerraForm Companies, LLC

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Zone Change 978 - 4160 King Ave W - ELI to HC - 2nd reading

**PRESENTED BY:** Nicole Cromwell

**Department:** Planning & Community Services **Division:** Planning

---

**RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change 978 and adoption of the findings of the 10 criteria. The findings are found in the Background portion of the staff report. The City Council approved the zone change on first reading July 27, 2020. A second reading of the ordinance is required.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

This is a zone change request from Entryway Light Industrial (ELI) to Highway Commercial (HC) on a parcel in Montana Sapphire Subdivision to facilitate the construction of a new apartment complex. The development will be similar to the Long Beach apartments south and west of the property. The Entryway zoning does not allow residential uses by right. A zone change to the HC zone will allow all types of residential uses including single family, two-family and multi-family residences. The applicant states there might be 70 to 100 units on this 8.5 acre parcel of land. Using 100 units, this averages about 12 units per acre. The maximum density allowed in the HC zone would be about 28 units per acre. The average development density for multi-family apartments in Billings is much lower usually around 12 to 18 units per acre. The proposed development is in line with the average density in the area. The property is the largest undeveloped lot remaining in the subdivision.

The property has good access to local streets that connect to the north, east and west to King Avenue West and Shiloh Road. The area is developing as a mixed use area with retail, service businesses, medical services, and residential. The Shiloh Conservation Area to the south is a significant outdoor amenity for the area. The City has recently purchased additional acres for water conservation and development of a new open water reservoir. The Western Sky Subdivision to the west, and the two subdivisions to the north are also developing in a mixed use pattern allowing for residential, commercial and office uses in an urban environment.

Development of both arterial streets, (King Avenue West and Shiloh Road) is progressing as property adds traffic and infill to the area. Traffic on Shiloh Road averages about 17,250 vehicle trips per week day while King Ave West in this area averages about 10,500 vehicle trips per day. MET Transit operates a fixed route bus line that runs through Montana Sapphire subdivision making transportation options convenient. There is a multi-use trail along the west side of Shiloh Road that also connects to nearby open space and retail areas. The property can be served by all city utilities and services. It is within a developed area of West Billings and is in conformance with the goals, policies and guidance of the 2001 West Billings Neighborhood Plan and the 2011 Infill Policy.

Prior to making a decision on the zone change request, the City Council shall consider the findings recommended by the Zoning Commission.

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy and the West Billings Neighborhood Plan (2001). The West Billings Neighborhood Plan goals and objectives stated the need to locate compatible uses and offer a range of housing choices and development densities. The West Billings Plan adopted a number of Goals, Policies, and Implementation Strategies. The proposed zone change is consistent with the following adopted Policies of Planned Growth Goal 1: Establish Development Patterns that Use Land More Efficiently Policy R "Encourage innovative land-use planning techniques to be used in building higher density and mixed-use developments as well as infill developments." The proposed zone change will accommodate uses that are compatible in a mixed-use environment and will fulfill a growing market for a variety of housing choices. The proposed development will also have good access to outdoor activities and is in close proximity to commercial centers and transportation options.

The proposed zone change is also in line with the adopted 2016 Growth Policy goals for:

**Home Base:**

- 1) A mix of housing types that meet the needs of a diverse population is important
- 2) Common to all types of housing choices is the desire to live in surroundings that are affordable, healthy and safe.

**Strong Neighborhoods:**

- 1) Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- 2) Walkable neighborhoods that permit convenient destinations such as neighborhood services, open space, parks, schools and public gathering spaces foster health, good will and social interaction
- 3) Neighborhoods that are safe and attractive and provide essential services are much desired
- 4) Implementation of the Infill Policy is important to encourage development of underutilized properties

The proposed zoning would accommodate a variety of housing choices and bring more residents into the area. Additional residents will help make this area a complete "neighborhood" where activity is not just during business hours. A mixture of uses can encourage a safer place by having more "eyes" on the street. The diverse housing choices and other commercial services in the area will help create a solid neighborhood in this area of West Billings.

2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed zoning. The proposed amendment will allow new residential uses in an area with high demand for housing choices.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

**Transportation:** The proposed amendment will have a measurable effect on the transportation system. The city has reviewed a traffic study for the entire subdivision and proposed uses. Initially, the subdivision was intended for all commercial uses with some light industrial uses as

well. The addition of residential uses has changed the original anticipated traffic impact and updates to the original study have been done whenever a new proposal is brought forward through the Master Site Plan approval process. Any changes needed to mitigate the new type of traffic will be implemented through the City Engineering Division.

**Water and Sewer:** The City will provide water and sewer to the property. There will be no additional impacts to the system from the proposed zoning.

**Schools and Parks:** Schools and parks may be effected by the proposed amendment. Residential dwellings typically include school-age children so this may increase the student population in the Elysian Elementary and Billings West High School districts. The closest community park to this location is Centennial Park (north of Central on 32nd St West). Although this is some miles from the subject property there are recreational trails and activities in the immediate area.

**Fire and Police:** The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

The proposed zone change and development for residential uses will have an impact on the functioning of the local intersections with King Ave W and Shiloh Road. Prior traffic studies for Montana Sapphire Subdivision may need to be updated to consider this new type of traffic. The City Traffic Engineer will make this determination when a proposal is submitted for construction as part of the Master Site Plan Process. Traffic counts in the arterial streets. MDT retains jurisdiction over the management of King Avenue West.

7. Will the new zoning will promote compatible urban growth?

The new zoning does promote compatible urban growth in this area. The proposed will allow a mixed use urban neighborhood in an area with this existing pattern in place.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. This area between Shiloh Road and 48 th St West is an area undergoing rapid growth population growth. The proposed amendment will allow additional housing choices in the area. The property is suitable for the proposed use given its location in the area.

9. Will the new zoning conserve the value of buildings?

The property is currently undeveloped. Approval of the zone change will provide more certainty to surrounding land owners and may help to stabilize property values of adjacent buildings.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning may encourage the most appropriate use of this land in Billings. This specific location and use is appropriate.

## **ALTERNATIVES**

City Council may:

- Approve the zone change as recommended by the Zoning Commission and adopt the findings of the 10 criteria, or;
- Deny the zone change and adopt different findings of the 10 criteria
- Allow the applicant to withdraw the zone change; or
- Delay action on the zone change request for up to 30 days.

## **FISCAL EFFECTS**

Approval of the zone change has no impact on the Planning Division Budget.

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## **Attachments**

ZC 978 Ordinance

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ORDINANCE 20-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON LOT 12,  
BLOCK 1 of Montana Sapphire Subdivision

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC,* provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.

**Section 2. DESCRIPTION.** Lot 12, Block 1, Montana Sapphire Subdivision, **GENERALLY LOCATED AT 4160 King Ave West** is presently zoned **Entryway Light Industrial (ELI)** and is shown on the official zoning map within this zone.

**Section 3. ZONE AMENDMENT.** The official zoning map is hereby amended and the zoning for **Lot 12, Block 1, Montana Sapphire Subdivision,** is hereby changed from **Entryway Light Industrial (ELI)** to **Highway Commercial (HC)** and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining **Highway Commercial (HC)** as set out in the Billings, Montana City Code.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 27<sup>th</sup> day of July, 2020.

PASSED, ADOPTED and APPROVED on second reading this 10<sup>th</sup> day of August, 2020.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk  
Zone Change 978 – 4160 King Ave W

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Zone Change 979 - High Sierra 16th Filing - R-70-R to R-50 - 2nd reading

**PRESENTED BY:** Nicole Cromwell

**Department:** Planning & Community Services **Division:** Planning

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**RECOMMENDATION**

The Zoning Commission recommends approval of Zone Change 979 and adoption of the findings of the ten review criteria. The City Council passed the zone change request on first reading on July 27, 2020. A zone change ordinance requires a second reading.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

This is a zone change request from R-70-R, a single family only zone district, to R-50 to allow the development of two-family dwellings. The proposed zone change would allow the prospective buyer, Trent Parks, to develop townhomes similar to the dwellings on the north end of Gleneagles Blvd. Those unit ownership developments - The Nest, Stewart, Granlund and Gleneagles - consist of one and two-level townhomes with attached garages. These townhome units are selling at above the median home price for Billings (>\$250,000/unit). The proposed two-family townhomes on these lots would include a 3-car attached garage and a covered patio space. These would likely be at higher price point than the townhomes on Gleneagles Blvd.

The proposed lot layout would include nine two-family dwellings (18 total dwelling units) on the 2.4 acres of land. The maximum density of single family dwellings on this size of parcel with an R-50 zone is 20, while up to 13 two-family dwellings could be constructed (26 total dwelling units). The existing zoning of R-70-R could allow 14 to 15 single family dwellings. The proposed townhomes have a proposed main floor living area of ~1,450 square feet and about 870 square feet of attached garage space. The proposed townhomes include 3 bedrooms and a 230 square foot covered patio for each unit. The applicant has proposed a lot coverage variance to allow the 3-car attached garages and the covered patios. The Board of Adjustment approved the variance on July 1, 2020. A condition of the variance approval is approval of the zone change.

The lots are within the High Sierra Subdivision, 16th Filing, a subdivision that received preliminary plat approval from the City Council in March 2020. Each of the proposed lots is equal to or greater than 10,000 square feet, the minimum lot area required for a two-family dwelling. Mission Oaks Drive, the access road for this subdivision, is a proposed local street and will be constructed to the required minimum standards for a local street. The road connects to Morocco Drive on the east and Matador Avenue on the west. The three parcels directly south of the subject property are owned by School District #2 and is the likely location of a new elementary school for this growing area of Billings Heights.

Traffic in the area is between 5,000 and 6,000 vehicle trips per average weekday on Wicks Lane and Governors Boulevard. Traffic to the high school and middle school is not included in these traffic counts but likely adds a considerable number of trips to both arterial streets. There are no traffic counts available for Gleneagles north of Wicks Lane. The addition of a few extra dwelling units (R-70-R compared to R-50) would not add any significant number of additional

daily trips to this area of High Sierra. When required, a subdivision application must submit a traffic analysis to the City Traffic Engineer to ensure new vehicle trips can be accommodated and any mitigation or improvements required can be paid for by the developer in advance. The current three filings of High Sierra - 14th, 15th, & 16th Filings - are required to make contributions to off-site intersection improvements. These contributions are part of the signed Subdivision Improvement Agreement (SIA) with the city.

The city adopted the Billings Heights Neighborhood Plan in 2006 and the new Growth Policy for the entire city in 2016. The Billings Heights Neighborhood Plan did not indicate any major changes for this area other than to keep the lower density residential development in place. Lake Hills Subdivision to the east and south has a variety of zoning districts that has allowed a complete range of housing choices from multi-family apartments, to townhomes to half-million dollar+ homes along the golf course, while keeping the overall neighborhood density on the low end of the development scale. A sustainable neighborhood allows this range of housing choices. For example, along Cherry Hills Rd, a newer section of Lake Hills, homes with back yards on the golf course are selling for \$500,000+ while more modest homes on the north side of Cherry Hills Rd are selling for \$100,000 to \$200,000 less. To the west on Gleneagles Blvd are duplex townhomes for sale in the \$250,000 to \$290,000 price range (each unit). Further west in the R-70-R zone district of High Sierra prices range from \$175,000 up to \$370,000 for new homes. The R-70-R does not allow a variety of housing choices and the price ranges reflect the square footage of living space and off street parking as well as the finish materials.

The 2016 Growth Policy adopted several guidelines to help the city in an efficient and cost effective way. The Growth Policy adopted statement of purpose is: "***In the next 20 years, Billings will manage its growth by encouraging development within and adjacent to the existing City limits, but preference will be given to areas where City infrastructure exists or can be extended within a fiscally constrained budget and with consideration given to increased tax revenue from development. The City will prosper with strong neighborhoods with their own unique character that are clean, safe, and provide a choice of housing and transportation options.***" As Billings continues to grow land use decisions should be based on the adopted growth policy statement and the guidelines with the policy. These guidelines encourage housing choices throughout the city's neighborhoods, providing safe and affordable housing while observing the unique character of each area as the city grows. The proposed zoning is supported by several growth guidelines including Strong Neighborhoods (livable, safe, sociable and resilient neighborhoods) and Home Base (healthy, safe and diverse housing options).

Prior to making a decision on the zone change the City Council shall consider the findings recommended by the Zoning Commission.

1. Is the new zoning designed in accordance with the Growth Policy?

The proposed zone change is consistent with the following guidelines of the 2016 Growth Policy:  
Strong Neighborhoods:

- 1) Zoning regulations that allow a mixture of housing types provide housing options for all age groups and income levels
- 2) Neighborhoods that are safe and attractive and provide essential services are much desired

Home Base:

- 1) A mix of housing types that meet the needs of a diverse population is important
- 2) The Housing Needs Assessment is an important tool to ensure Billings recognizes and meets the demands of future development
- 3) Common to all types of housing choices is the desire to live in surroundings that are

affordable, healthy and safe

The proposed zone change is consistent with the following goals of the 2006 Billings Heights Neighborhood Plan:

- 1) To provide safe, good quality and affordable housing in the Heights.
- 2) Develop housing patterns that are compatible with existing neighborhoods.
- 3) Encourage high density multi-family development along arterial routes.
- 4) Maintain similar housing in established neighborhoods.

The proposed zoning will allow another housing choice in an area with primarily only one housing choice. The Lake Hills Subdivision to the east has allowed similar housing choices by allowing zoning to vary within the subdivision. Existing demand for housing choice is going up for all ages of buyers including “boomers” and millennials just buying a first home. The proposed zoning would allow a townhome choice in an area where the only choice right now is a detached single family residence on a larger lot. The overall density will remain essentially the same throughout the High Sierra Subdivision.

2. Is the new zoning designed to secure from fire and other dangers?

The new zoning requires minimum setbacks, open and landscaped areas and building separations. The new zoning, as do all zoning districts, provides adequate building separations and density limits to provide security from fire and other dangers.

3. Whether the new zoning will promote public health, public safety and general welfare?

Public health and public safety will be promoted by the proposed zoning. The additional dwelling units will help increase the number of rate payers to the city utility systems and increase the taxable value of the property.

4. Will the new zoning facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement?

Transportation: The proposed zoning will not significantly increase post-development traffic volume. The applicant is paying assessments to the city for off-site traffic management at surrounding intersections.

Water and Sewer: The City provides water and sewer to the property.

Schools and Parks: Schools and parks should not be affected by the proposed zoning.

Fire and Police: The subject property is served by city public safety services. The Police and Fire Departments had no concerns with the zone change.

5. Will the new zoning provide adequate light and air?

The proposed zoning provides for sufficient setbacks to allow for adequate separation between structures and adequate light and air.

6. Will the new zoning effect motorized and non-motorized transportation?

Traffic generation from 18 dwelling units will be between 180 and 250 vehicle trips per day. This trip counts includes trips to the new residences for services such as mail, deliveries, solid waste and similar as well as the trips by the occupants. The new subdivision will have sidewalks and will connect to other sidewalks and pedestrian facilities in the neighborhood. The new zoning will not have any increase effect on the transportation system.

7. Will the new zoning promote compatible urban growth?

The new zoning does promote compatibility with urban growth. The proposed zoning will allow this parcel to provide new housing compatible with the existing neighborhood.

8. Does the new zoning consider the character of the district and the peculiar suitability of the property for particular uses?

The proposed zoning does consider the character of the district and the suitability of the property for the proposed use. The proposed zoning will allow a housing choice that is in demand in the area. The property is directly across the street for a potential new school and between two developing single family districts.

9. Will the new zoning conserve the value of buildings?

There are no existing buildings on the property and the closest existing residence is about 600 feet to the west on Vesca Way or 600 feet to the south on Sierra Granda Blvd.

10. Will the new zoning encourage the most appropriate use of land throughout the City of Billings?

The proposed zoning will allow the development of another housing choice in this area of Billings Heights. This is the most appropriate use of the land.

## **ALTERNATIVES**

The City Council may:

- Approve the zone change and adopt the findings of the 10 criteria.
- Deny the zone change and adopt different findings of the 10 criteria
- Allow the applicant to withdraw the zone change; or
- Delay action on the zone change request for up to 30 days.

## **FISCAL EFFECTS**

Approval of this zone change does not impact the Planning Division budget.

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## **Attachments**

ZC 979 Ordinance

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ORDINANCE 20-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THE ZONE CLASSIFICATION ON LOTS 17  
THROUGH 25, BLOCK 31 OF HIGH SIERRA SUBDIVISION,  
16<sup>TH</sup> FILING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1. RECITALS.** *Title 76, Chapter 2, Part 3, MCA, and Sections 27-302 and 27-1502, BMCC, provide for amendment to the City Zoning Map from time to time. The City Zoning Commission and staff have reviewed the proposed zoning for the real property hereinafter described. The Zoning Commission and staff have considered the ten (10) criteria required by Title 76, Chapter 2, Part 3, MCA. The recommendations of the Zoning Commission and staff have been submitted to the City Council, and the City Council, in due deliberation, has considered the ten (10) criteria required by state law.*

**Section 2. DESCRIPTION.** LOTS 17 THROUGH 25, BLOCK 31 OF HIGH SIERRA SUBDIVISION 16<sup>TH</sup> FILING, GENERALLY LOCATED on the north side of Mission Oaks Drive is presently zoned Residential 7,000-Restricted (R-70-R) and is shown on the official zoning map within this zone.

**Section 3. ZONE AMENDMENT.** The official zoning map is hereby amended and the zoning for LOTS 17 THROUGH 25, BLOCK 31 OF HIGH SIERRA SUBDIVISION 16<sup>TH</sup> FILING, is hereby changed from Residential 7,000-Restricted (R-70-R) to Residential 5,000 (R-50) and from the effective date of this ordinance, shall be subject to all the rules and regulations pertaining Residential 5,000 (R-50) as set out in the Billings, Montana City Code.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 6. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 27<sup>th</sup> day of July, 2020.

PASSED, ADOPTED and APPROVED on second reading this 10<sup>th</sup> day of August, 2020.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk  
Zone Change 979 – High Sierra Sub 16<sup>th</sup> Filing, Lots 17 through 25, Block 31

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Payment of Claims for week of July 6, 2020

**PRESENTED BY:** Andy Zoeller, Finance Director

**Department:** Finance

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**RECOMMENDATION**

Staff recommends Council approve the Payment of Claims

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

Claims in the amount of \$20,870.71 have been audited and are presented for City Council payment approval. A complete listing of the claims for the week are available in the Finance Department. City check Payment Approval Process Every invoice for payment in entered into the City's accounting system and the backup documentation is canned in and attached (physical invoices, additional e-mails explaining payments, bids, contracts, etc.) Each invoice goes through a multi-step approval process depending upon the amount of the payment.

First, invoices are entered by the department requesting the payment and the Department Director or designee must perform an initial review and approval of the purchase. The number of approvals within the Department can vary based upon the size of the Department, but no less than one approver within each Department must verify the payment.

Second, all payments, regardless of size, must be approved by the Purchasing Agent. The Purchasing Agent will review the payment to ensure purchasing procedures are followed and appropriate documentation is attached.

If the payment is greater than \$1,000, then it must be approved by the Finance Director. If that payment is greater than \$10,000, then it must be approved by the City Administrator or Assistant City Administrator.

Once all approvals are completed, the payment is able to be made and the Accounts Payable Clerk can print the check. After all checks are printed, a list of all checks in excess of \$2,500 is generated and placed on the next City Council meeting for review.

**ALTERNATIVES**

- No other alternatives were analyzed

**FISCAL EFFECTS**

Claims have a varying impact on department budgets, but are submitted by the departments and reviewed by Finance staff before being sent to the Council.

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## **Attachments**

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Councilmemo wk of 07062020

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<b>Check Date</b>	<b>Check#</b>	<b>Name</b>	<b>Fund Name</b>	<b>Amount</b>	<b>Item Desc</b>
07/07/2020	834528	Iaff	Payroll Clearing	\$ 5,063.88	Payroll Summary
07/07/2020	834532	Montana CSED	Payroll Clearing	\$ 2,569.23	Payroll Summary
07/07/2020	834532	Montana CSED	Payroll Clearing	\$ 330.00	Payroll Summary
07/07/2020	834534	Montana State Fireman	Payroll Clearing	\$ 4,317.17	Payroll Summary
07/07/2020	834535	MPPA	Payroll Clearing	\$ 23.05	Payroll Summary
07/07/2020	834535	MPPA	Payroll Clearing	\$ 3,549.70	Payroll Summary

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020

**TITLE:** Vacation of Alley within La Ray Subdivision

**PRESENTED BY:** Debi Meling

**Department:** Public Works

**Division:** Engineering

**RECOMMENDATION**

Staff recommends City Council approve the alley vacation within La Ray Subdivision in exchange for \$10,311.40.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

Propiedad, LLC, owner of the property north of the alley, has petitioned to vacate the alley adjacent to La Ray Subdivision, Block 1, Lots 1-6. Propiedad, LLC is proposing to vacate the alley right-of-way and combine it with their property in order to develop. The alley was originally dedicated as part of La Ray Subdivision, but annexed into the city when Propiedad, LLC annexed their property. The property owners within La Ray Subdivision have no interest in the alley and have agreed to quitclaim their interest in the alley. The alley, if vacated, would revert to Propiedad's property. Attached is a letter from the petitioner explaining their interest in the right of way.

The developer has indicated they are proposing to construct a storage facility on their property. As of right now, they have not developed plans for a storage facility. When they submit for a building permit for the proposed storage facility, Engineering will evaluate the site for off-site improvements to Lincoln Lane.

Vacation of this alley will not affect traffic or pedestrian accessibility since the alley has not been constructed.

City council held a public hearing on June 22, 2020, and voted to delay action on the proposed right of way vacation. One of the concerns expressed by city council was in regards to a county parcel located south of the alley that is not owned by the petitioner. The concern was that the developer would complete a development that combined the property to the north and the property to the south and leave the south portion in the county. The petitioner has stated in the attached letter that if they were to acquire the property to the south, they would annex it into the city. This language can be added to the development agreement.

The recommendation from the June 22, 2020 meeting was to vacate the alley right of way in exchange for 10' of right of way along Lincoln Lane and the difference in cost. In researching the annexation of this property from 2015, it was determined that the property owner is required to enter into a development agreement with the city prior to any development. This development agreement will outline the required right of way dedications and necessary improvements on Lincoln Lane and Griffin Drive. The developer was made aware of this requirement and will be working with Engineering on this agreement which will be presented for council approval prior to any building permits being issued.

## **ALTERNATIVES**

City Council may:

- Approve the right-of-way vacation and have the developer pay for full value of the right-of-way at \$10,311.40, or;
- Disapprove the right-of-way vacation. If disapproved, the developer would be required to develop their property without the alley right-of-way.

## **FISCAL EFFECTS**

Larry Larsen with the Premier Group completed a comparative market analysis for this right-of-way and determined it to be valued at \$2.18/SF. The alley right-of-way is approximately 4,730 sf. The total compensation for the alley right of way is \$10,311.40.

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## **Attachments**

Title Report

Petition

Opinion of Cost

Resolution to Vacate

Letter from Petitioner

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# ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:



**CHICAGO TITLE  
INSURANCE COMPANY**

Commitment Number:

**3523191073**

## NOTICE

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

## COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

**Chicago Title Insurance Company**

By:

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

Countersigned By:

\_\_\_\_\_  
Authorized Officer or Agent

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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Transaction Identification Data for reference only:

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT (NOT TITLE ONLY):
Title Officer: Trevor Styles Chicago Title Company, LLC 1575 Shiloh Rd, Suite J Billings, MT 59106 Phone: 406-869-3747 Fax: 406-245-5094 Main Phone: (406)245-3064 Email: Trevor.Styles@CTT.com	Escrow Officer: Jason Harman Chicago Title Company, LLC 1575 Shiloh Rd, Suite J Billings, MT 59106 Phone: 406-238-9999 Fax: 406-238-9994 Main Phone: (406)238-9999 Email: Jason.Harman@ctt.com

Order Number: 3523191073

SCHEDULE A

1. Commitment Date: October 3, 2019 at 08:00 AM

2. Policy to be issued:

(a) ALTA Owner's Policy 2006 (Standard)

Proposed Insured: Liquid Energy, LLC, a Montana limited liability company

Proposed Policy Amount: \$200,000.00

Premium: \$ 823.00

Total: \$ 823.00

3. The estate or interest in the Land described or referred to in this Commitment is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

Roger Allen Pinnick, David Gary Pinnick, and LaVonne Sharon Anderson, as Successor Trustees of the Roy and Betty Pinnick Living Trust, dated August 23, 2001

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**SCHEDULE A**

(continued)

## 5. The Land is described as follows:

## PARCEL A:

Lots 2, 3, and 4, Block 1, of LaRay Subdivision, in Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 645872;

## PARCEL B:

Lot 5, Block 1, of LaRay Subdivision, in Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 645872;

## PARCEL C:

Lot 6, Block 1, of LaRay Subdivision, in Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 645872;

## PARCEL D:

The West 58.65 Feet of Lot 3, Block 2, of LaRay Subdivision, in Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 645872;

## PARCEL E:

Lot 4 and the East 6.35 Feet of Lot 3, Block 2, of LaRay Subdivision, in Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 645872;

## PARCEL F:

Lots 5, and 6, Block 2, of LaRay Subdivision, in Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 645872;

**END OF SCHEDULE A**

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**SCHEDULE B, PART I  
REQUIREMENTS**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.
6. The Company will require an affidavit signed by the seller/mortgagor certifying that there are no matters that could give rise to any defects, liens, encumbrances, adverse claims or other matters that would attach to the Land between the effective date of the report and the recording of the instruments creating the estate to be insured.
7. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
8. If title is to be insured in the trustee(s) of a trust, (or if their act is to be insured), this Company will require a copy of the trust instrument creating such trust, and all amendments thereto, together with a written verification by all present trustees that the copy is the true and correct copy of the trust, as it may have been amended, that it is in full force and effect and that it has not been revoked or terminated.

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**SCHEDULE B, PART I  
REQUIREMENTS**

(continued)

9. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Liquid Energy LLC

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

**END OF SCHEDULE B, PART I**

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## SCHEDULE B, PART II EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the Land including, but not limited to, insufficient or impaired access and matters contradictory to any survey plat shown by the Public Records.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. (a) unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters accepted under (a), (b), (c) are shown by the Public Records.
- f. Taxes to special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- g. County road rights-of-way, not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21 MCA, including, but not limited to any right of the public to use and occupy those certain roads and trails.
- h. Mineral rights, claims or title to minerals in or under said land, including but not limited to metals, oil, gas, coal, or other hydrocarbons, sand, gravel, or stone, and geothermal energy rights, and easement or other rights or matters relating thereto, whether express or implied, recorded, or unrecorded.

### SPECIAL EXCEPTIONS:

1. General County Taxes for the year 2019 and subsequent years, which are a lien but not yet due or payable.

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**SCHEDULE B, PART II  
EXCEPTIONS**  
(continued)

## General Taxes for the year 2018

1st Half: \$148.71 PAID  
2nd Half: \$148.70 PAID  
Tax ID No.: A10046

Affects Parcel A

## General Taxes for the year 2018

1st Half: \$197.08 PAID  
2nd Half: \$197.07 PAID  
Tax ID No.: A10047

Affects Parcel B

## General Taxes for the year 2018

1st Half: \$198.28 PAID  
2nd Half: \$198.26 PAID  
Tax ID No.: A10047A

Affects Parcel C

## General Taxes for the year 2018

1st Half: \$194.99 PAID  
2nd Half: \$194.98 PAID  
Tax ID No.: A10050

Affects Parcel D

## General Taxes for the year 2018

1st Half: \$197.99 PAID  
2nd Half: \$199.75 PAID  
Tax ID No.: A10051

Affects Parcel E

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**SCHEDULE B, PART II  
EXCEPTIONS**  
(continued)

General Taxes for the year 2018

1st Half: \$217.68 PAID  
2nd Half: \$217.68 PAID  
Tax ID No.: A10052

Affects Parcel F

2. Terms, covenants, conditions and easements contained in Water Deed (Land and Water Deed) from Billings Land and Irrigation Company, recorded December 1, 1905 at Book B2, Page 21.
3. Restrictions contained in the Deed, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: August 13, 1949  
Recording No.: 453225, Book 347

4. Restrictions contained in the Deed, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: May 1, 1950  
Recording No.: 462970, Book 366

5. Easement(s) and rights incidental thereto, as granted in a document::

Granted to: County Water District of Billings Heights  
Recording Date: February 27, 1963  
Recording No.: 701653

6. Unrecorded leaseholds, if any, rights of parties in possession other than the vestee herein, and rights of tenants to remove trade fixtures.

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**SCHEDULE B, PART II  
EXCEPTIONS**  
(continued)

7. Rights of the public in and to that portion of the herein described Land as shown on the

Map/Plat:La Ray Subdivision  
Recording Date: July 28, 1960  
Recording No: 645872  
Street/Road:Orilla Street and Cross Street

8. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

Note: The Company has searched the records of the Clerk and Recorder and the Clerk of Court for Yellowstone County, Montana and find no judgments or liens affecting the Land, other than as excepted in Schedule B.

Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

**END OF SCHEDULE B, PART II**

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## COMMITMENT CONDITIONS

**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

**4. COMPANY'S RIGHT TO AMEND**

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

**5. LIMITATIONS OF LIABILITY**

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - (i) comply with the Schedule B, Part I-Requirements;
  - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
  - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**END OF CONDITIONS**

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**FIDELITY NATIONAL FINANCIAL  
PRIVACY NOTICE  
Revised May 1, 2018**

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

**Types of Information Collected**

We may collect two types of information from you: Personal Information and Browsing Information.

**Personal Information.** FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

**Browsing Information.** FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

**How Personal Information is Collected**

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

**How Browsing Information is Collected**

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

**Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

**Links to Other Sites.** FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and third parties' products and services, jointly or independently.

### **When Information Is Disclosed**

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see "**Choices With Your Information**" to learn the disclosures you can restrict.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

### **Choices With Your Information**

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

**For California Residents:** We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law.

**For Nevada Residents:** You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

**For Oregon Residents:** We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

**For Vermont Residents:** We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

**Information From Children**

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

**International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

**FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

**Your Consent To This Privacy Notice; Notice Changes**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

**Accessing and Correcting Information; Contact Us**

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to [privacy@fnf.com](mailto:privacy@fnf.com), by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer

# ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:



**CHICAGO TITLE  
INSURANCE COMPANY**

Commitment Number:

**3523191074**

## NOTICE

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

## COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Chicago Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

## Chicago Title Insurance Company

By:

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

Countersigned By:

\_\_\_\_\_  
Authorized Officer or Agent

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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**Transaction Identification Data for reference only:**

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT (NOT TITLE ONLY):
Title Officer: Joyce Bondurant Chicago Title Company, LLC 1575 Shiloh Rd, Suite J Billings, MT 59106 Phone: 406-869-3742 Fax: 406-245-5094 Main Phone: (406)245-3064 Email: Joyce.Bondurant@ctt.com	Escrow Officer: Jason Harman Chicago Title Company, LLC 1575 Shiloh Rd, Suite J Billings, MT 59106 Phone: 406-238-9999 Fax: 406-238-9994 Main Phone: (406)238-9999 Email: Jason.Harman@ctt.com

**Order Number: 3523191074****SCHEDULE A**

1. Commitment Date: October 3, 2019 at 08:00 AM
2. Policy to be issued:
  - (a) ALTA Owner's Policy 2006 (Extended)
 

Proposed Insured:	Liquid Energy, LLC, a Montana limited liability company	
Proposed Policy Amount:	\$50,000.00	
Premium:		\$ 360.50
Total:		\$ 360.50
3. The estate or interest in the Land described or referred to in this Commitment is:
 

Fee Simple
4. The Title is, at the Commitment Date, vested in:
 

Roger A. Pinnick and David G. Pinnick
5. The Land is described as follows:
 

Lot 2A, Block 2, Amended Plat of Lots 1 and 2, Block 2, of LaRay Subdivision, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 3347797.

**END OF SCHEDULE A**

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## SCHEDULE B, PART I REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.
6. The Company will require an affidavit signed by the seller/mortgagor certifying that there are no matters that could give rise to any defects, liens, encumbrances, adverse claims or other matters that would attach to the Land between the effective date of the report and the recording of the instruments creating the estate to be insured.
7. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
8. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Liquid Energy, LLC

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

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**SCHEDULE B, PART I  
REQUIREMENTS**  
(continued)

**END OF SCHEDULE B, PART I**

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**SCHEDULE B, PART II  
EXCEPTIONS**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

- a. Rights or claims of parties in possession not shown by the Public Records.
- b. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the Land including, but not limited to, insufficient or impaired access and matters contradictory to any survey plat shown by the Public Records.
- c. Easements, or claims of easements, not shown by the Public Records.
- d. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- e. (a) unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters accepted under (a), (b), (c) are shown by the Public Records.
- f. Taxes to special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- g. County road rights-of-way, not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21 MCA, including, but not limited to any right of the public to use and occupy those certain roads and trails.
- h. Mineral rights, claims or title to minerals in or under said land, including but not limited to metals, oil, gas, coal, or other hydrocarbons, sand, gravel, or stone, and geothermal energy rights, and easement or other rights or matters relating thereto, whether express or implied, recorded, or unrecorded.

**SPECIAL EXCEPTIONS:**

1. General County Taxes for the year 2019 and subsequent years, which are a lien but not yet due or payable.

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**SCHEDULE B, PART II  
EXCEPTIONS**  
(continued)

General Taxes for the year 2018

1st Half: \$486.63 PAID

2nd Half: \$486.62 PAID

Tax ID No.: A10049

2. Terms, covenants, conditions and easements contained in Water Deed (Land and Water Deed) from Billings Land and Irrigation Company, recorded December 1, 1905 at Book B2, page 21.
3. Recitals, notes, dedications, easements, certificates and covenants as contained on the plat of Amended Plat of Lots 1 and 2, Block 2 of LaRay Subdivision. Reference is hereby made to the plat for more particulars.

Recording No.: 3347797

4. Unrecorded leaseholds, if any, rights of parties in possession other than the vestee herein, and rights of tenants to remove trade fixtures.
5. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

Note: The Company has searched the records of the Clerk and Recorder and the Clerk of Court for Yellowstone County, Montana and find no judgments or liens affecting the Land, other than as excepted in Schedule B.

**END OF SCHEDULE B, PART II**

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**COMMITMENT CONDITIONS****1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

**4. COMPANY'S RIGHT TO AMEND**

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

**5. LIMITATIONS OF LIABILITY**

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - (i) comply with the Schedule B, Part I-Requirements;
  - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
  - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**END OF CONDITIONS**

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**FIDELITY NATIONAL FINANCIAL  
PRIVACY NOTICE  
Revised May 1, 2018**

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

**Types of Information Collected**

We may collect two types of information from you: Personal Information and Browsing Information.

**Personal Information.** FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

**Browsing Information.** FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

**How Personal Information is Collected**

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

**How Browsing Information is Collected**

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

**Other Online Specifics**

**Cookies.** When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

**Web Beacons.** We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

**Do Not Track.** Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

**Links to Other Sites.** FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

### **Use of Personal Information**

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and third parties' products and services, jointly or independently.

### **When Information Is Disclosed**

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see "**Choices With Your Information**" to learn the disclosures you can restrict.

### **Security of Your Information**

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

### **Choices With Your Information**

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

**For California Residents:** We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law.

**For Nevada Residents:** You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

**For Oregon Residents:** We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

### **Information From Children**

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

### **International Users**

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

### **FNF Website Services for Mortgage Loans**

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

### **Your Consent To This Privacy Notice; Notice Changes**

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

### **Accessing and Correcting Information; Contact Us**

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to [privacy@fnf.com](mailto:privacy@fnf.com), by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.  
601 Riverside Avenue,  
Jacksonville, Florida 32204  
Attn: Chief Privacy Officer



Return to: James W. Thompson  
176 South 32<sup>nd</sup> Street West, Suite 4  
Billings, MT 59102-6867

**TD** **3666972**  
05/07/2013 11:28 AM Pages: 1 of 2 Fees: 14.00  
Jeff Martin Clerk & Recorder, Yellowstone MT

**TRUSTEES' DEED**

The undersigned,

ROY E. PINNICK and BETTY J. PINNICK, the Initial Trustees under the  
ROY AND BETTY PINNICK LIVING TRUST, dated August 23, 2001

hereby convey unto:

ROGER ALLEN PINNICK, DAVID GARY PINNICK,  
and LaVONNE SHARON ANDERSON, as the Successor Trustees of the  
ROY AND BETTY PINNICK LIVING TRUST, dated August 23, 2001,  
and any amendments thereto

Tax Notices:

549 Lincoln Lane  
Billings, MT 59105

all of Trustees' and said Trust's right, title, and interest in and to real property in Billings, Yellowstone  
County, Montana, described as follows [Deed Reference: Document No. 3143605]:

Lot 1, Block 1, LARAY SUBDIVISION  
(Residence)

Lots 2 to 4, Block 1, LARAY SUBDIVISION  
(Pasture)

West 58.65 feet of Lot 3, Block 2, LARAY SUBDIVISION  
(Pasture)

Lots 5 and 6, Block 1, LARAY SUBDIVISION

Lot 4 and the East 6.35 feet of Lot 3, in Block 2, LARAY SUBDIVISION

Lots 5 and 6, Block 2, LARAY SUBDIVISION

TOGETHER WITH ALL TENEMENTS, HEREDITAMENTS, AND APPURTENANCES

The purpose of this Deed is to establish Roger Allen Pinnick, David Gary Pinnick, and LaVonne Sharon  
Anderson as Trustees of the Roy and Betty Pinnick Living Trust, dated August 23, 2001. Roy E. Pinnick and  
Betty J. Pinnick, the Initial Trustees, resigned on March 18, 2013, and appointed Roger, David, and LaVonne  
as Trustees, any two of whom may act.

DATED:     MAY    1 2013    

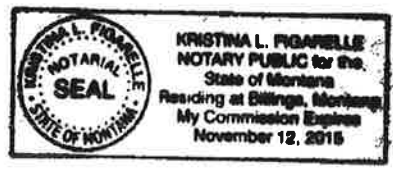
Roy Pinnick  
ROY E. PINNICK

Betty Pinnick  
BETTY J. PINNICK

Initial Trustees of the Roy and Betty Pinnick  
Living Trust dated August 23, 2001

STATE OF MONTANA        )  
                                  ) ss.  
County of Yellowstone    )

This instrument was acknowledged before me on the date last above written by ROY E. PINNICK and BETTY J. PINNICK, as Initial Trustees of the Roy and Betty Pinnick Living Trust dated August 23, 2001.



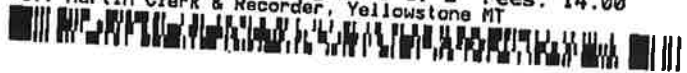
Kristina L. Figarelle  
Notary Public for the State of Montana



WD

3842499

02/28/2018 03:55 PM Pages: 1 of 2 Fees: 14.00  
Jeff Martin Clerk & Recorder, Yellowstone MT



After recording return to:  
Roger A. Pinnick  
2922 Minnesota Avenue  
Billings, MT 59101

**WARRANTY DEED**

FOR ADEQUATE AND FULL CONSIDERATION IN MONEY OR MONEY'S WORTH, receipt of which is hereby acknowledged on this 30 day of January 2006, the undersigned,

ROY E. PINNICK and BETTY J. PINNICK, of 549 Lincoln Lane, Billings, Yellowstone County, Grantors, *B. J. P. R. P. \*\**  
\*\* Trustees under the Roy and Betty Pinnick Living Trust dated August 23, 2001

hereby grant unto

ROGER A. PINNICK and DAVID G. PINNICK, of 2922 Minnesota Avenue, Billings, Yellowstone County, Montana, as tenants in common, Grantees,

the hereinafter described real estate situated in Yellowstone County, Montana:

2A, Block 2, Amended Plat of Lots 1 and 2, Block 2, La Ray Subdivision, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of said County,

however, all water rights appurtenant thereto are expressly reserved by Grantors.

TO HAVE AND TO HOLD unto the Grantees and to their successors and assigns forever, subject however, to:

- (a) Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof;
- (b) All existing easements, rights of way, building and land use restrictions and zoning ordinances of record;
- (c) Taxes and assessments for the year 2006 and subsequent years;



**REQUEST TO VACATE PUBLIC RIGHT-OF-WAY  
CITY OF BILLINGS**

**Description of Right-of-Way to be vacated:**

The alleyway directly south of FRAC 175x490' IN S2NWSENE4, Section 27  
Township 01N Range 26E (Unplatted) and directly north of Lots 1-6, Block 1 of Laray  
Subdivision, Section 27 Township 01N Range 26E, consisting of 4,730 square feet,  
more or less.

See attached exhibit.

**We, being all the abutting property owners, request of the City Council the vacation of the above described:**

       Street                        X   Alley                             Other R/W

       SIGNATURE                             DATE                             PROPERTY OWNERSHIP

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

(Additional signatures, if needed, can be on additional sheets.)

**WE, the utility companies and governmental departments, listed below, approve, or disapprove this request as noted by our signatures.**

	Approved By/Date	Disapproved By/Date
City Public Works	_____	_____
Heights Water	<u><i>[Signature]</i></u> <u>2-27-2020</u>	_____
Montana Dakota Utilities	_____	_____
Northwestern Energy	_____	_____
Charter	_____	_____
CenturyLink	_____	_____
City/Co. Planning	_____	_____

(A letter of explanation may be attached with "See Attached Letter" entered in the appropriate signature slot.)

**Petitioner's interest in vacating the public right-of-way:** To develop a dry  
storage facility that will be located on both areas currently  
separated by the alley right-of-way

**The petitioner acknowledges and understands that the City will appoint an appraiser to estimate the value of the real property being vacated, and the petitioner agrees that the fee for the appraiser will be borne by the petitioner(s).**

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- X   Title Report(s)
- X   Comments from all Utilities
- X   Map of R/W to be Vacated
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City Public Works	_____	_____
Heights Water	_____	_____
Montana Dakota Utilities	<u>BRENT DIMLEY</u>	_____
Northwestern Energy	<u>DMJ 2/25/20</u>	_____
Charter	_____	_____
CenturyLink	_____	_____
City/Co. Planning	_____	_____

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**Fee Received By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
City Engineers Office

**A DEPOSIT FOR AN APPRAISAL MUST ALSO ACCOMPANY THIS REQUEST.**

**Deposit Amount:** \_\_\_\_\_

**Received By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
City Clerk

**Copies of City of Billings Ordinance No. 80-4269 and 90-4822, establishing the procedure and compensation to the City of Billings for Discontinuance and Vacation of City Streets, Alleys, and Rights-of-Way, are attached for reference.**

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**CONTACT PERSON FOR PETITION:**

Propiedad, LLC - Rob Morehead  
\_\_\_\_\_  
**Telephone No.:** (406) 208 - 7691  
\_\_\_\_\_  
**Mailing Address:** P.O. Box 20853  
\_\_\_\_\_  
Billings, MT 59104  
\_\_\_\_\_  
**Date:** \_\_\_\_\_

**CITY COUNCIL ACTION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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<u>SIGNATURE</u>	<u>DATE</u>	<u>PROPERTY OWNERSHIP</u>


(Additional signatures, if needed, can be on additional sheets.)

**WE, the utility companies and governmental departments, listed below, approve, or disapprove this request as noted by our signatures.**

	Approved By/Date	Disapproved By/Date
City Public Works		
Heights Water		
Montana Dakota Utilities	<i>Mark M. Boy 3/17/20</i>	
Northwestern Energy		
Charter		
CenturyLink		
City/Co. Planning		

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Billings, MT 59104

**Date:** \_\_\_\_\_

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**SIGNATURE                      DATE                      PROPERTY OWNERSHIP**

\_\_\_\_\_  
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City Public Works	_____	_____
Heights Water	_____	_____
Montana Dakota Utilities	_____	_____
Northwestern Energy	_____	_____
Charter	 3/2/20	_____
CenturyLink	_____	_____
City/Co. Planning	_____	_____

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City/Co. Planning	<u>mp/leiden 3/18/2020</u>	_____

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SIGNATURE

DATE

PROPERTY OWNERSHIP

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Northwestern Energy	_____	_____
Charter	_____	_____
CenturyLink	 3/3/10	_____
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\_\_\_\_\_ Street                       Alley                      \_\_\_\_\_ Other R/W

<u>SIGNATURE</u>	<u>DATE</u>	<u>PROPERTY OWNERSHIP</u>
	2/26/20	517 Lincoln
_____	_____	_____
_____	_____	_____

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Date: \_\_\_\_\_

**CITY COUNCIL ACTION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_



## Hertz, Chris

---

**To:** Hertz, Chris  
**Subject:** FW: Lincoln Lane

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**From:** [larrylarsen8888@gmail.com](mailto:larrylarsen8888@gmail.com) <[larrylarsen8888@gmail.com](mailto:larrylarsen8888@gmail.com)>

**Sent:** Tuesday, June 9, 2020 9:49 AM

**To:** Rob Neihart <[rob@performance-ec.com](mailto:rob@performance-ec.com)>

**Subject:** RE: Lincoln Lane

Robbie,

We had very few sales in the area for raw land so I took a sale from 2 years ago that is an adjacent 2.0 acre property with a rental for \$1250 month and discounted the property \$100,000 for the home. I also have 1 pending sale witch is the subject property. Pending sale is \$250,000 less a sewer hookup charge for a price of \$220,000

517 Lincoln \$149900/1.983 Acres (86,379 SQFT) = \$1.74 SQFT a

549-1092 Lincoln \$220,000/2.317 Acres (100,929 SQFT)=\$2.18 SQFT

This is consistent with other raw land sales we have seen before annexation and zone changes. You can use the \$2.18 SQFT as a suggested sale price. Call with any questions



**Premier Group** REAL ESTATE HUB  
Premier Group @ The Real Estate HUB LLLP  
MT LIC # RRE-BRO-LIC-63296

**Larry Larsen**  
Broker

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MT LIC # RRE-BRO-LIC-63296

406 672 7884 CALL or TEXT

RESOLUTION NO. 20-\_\_\_\_\_

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA,  
DISCONTINUING AND VACATING **the alley within La Ray  
Subdivision, Block 1, Lots 1-6.**

WHEREAS, a proper petition was filed with the City Council of  
the City of Billings, Montana, as per Section 22-601 BMCC,  
requesting discontinuance and vacation of **the alley within La  
Ray Subdivision, Block 1, Lots 1-6** as described  
hereinafter; and

WHEREAS, a public hearing was properly noticed and held as required by  
law.

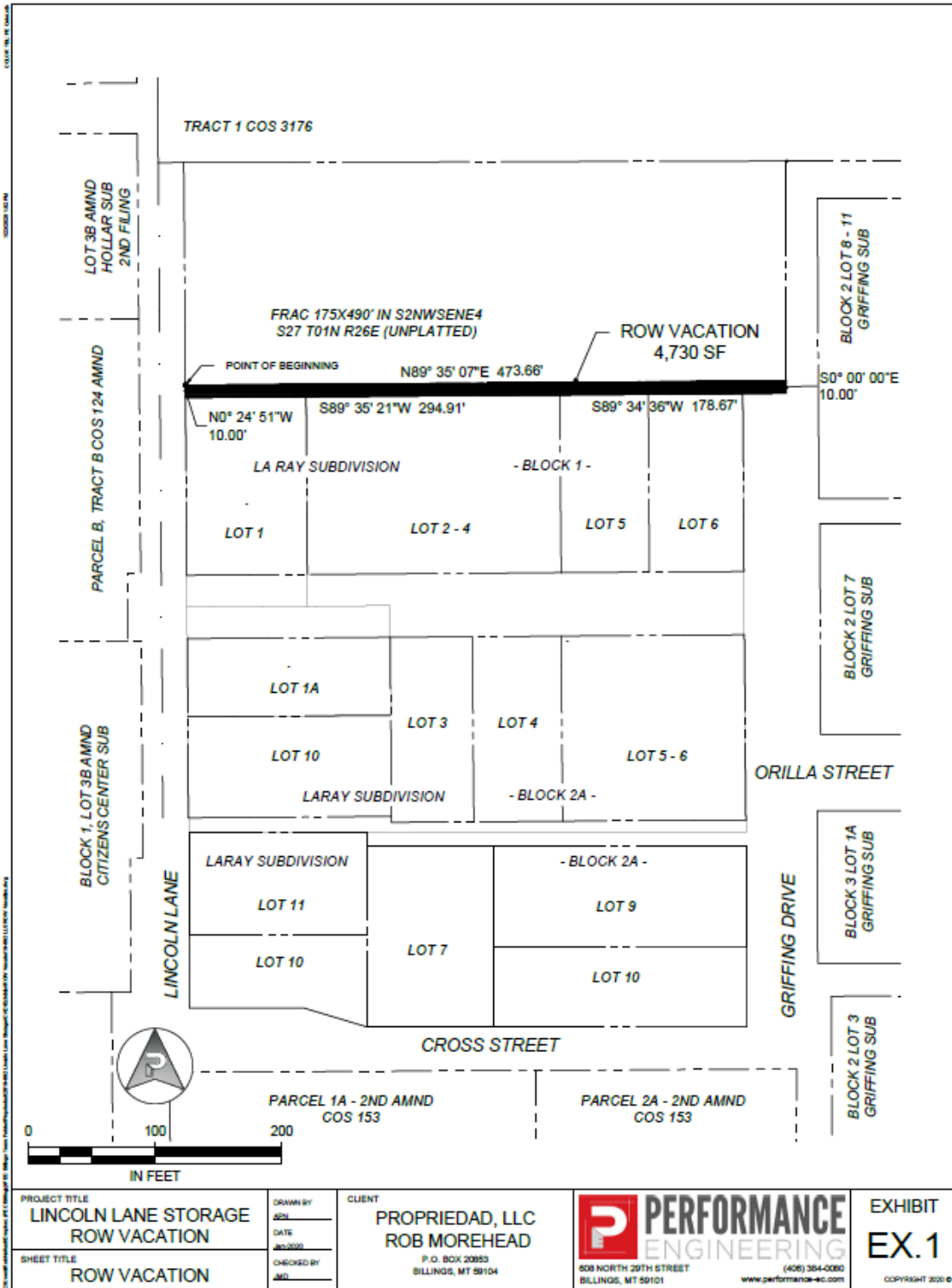
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. **DISCONTINUANCE AND VACATION.** Pursuant to Sections 7-14-4114 and  
7-14-4115, M.C.A., **the alley within La Ray Subdivision, Block 1, Lots 1-  
6** as more particularly described as follows:

A tract of land situated in the NE 1/4 of Section 27, T1N, R 26E, P.M.M., City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Being the alley adjacent with Lots 1 through 6, Block 1 of La Ray Subdivision, recorded July 28<sup>th</sup>, 1960 under document number 645872, on file and of record in the office of the Yellowstone County Clerk & Recorder. Beginning at the northwest corner of Lot 1, Block 1 of said La Ray Subdivision; thence east and along said Block 1 for a distance of 439.6 feet to the northeast corner of Lot 6, of said Block 1; thence east along the extension of the north line of said Block 1 through Griffing Drive Right-Of-Way as shown dedicated within said La Ray Subdivision, for a distance of 29.60 feet more or less to a point on the east line of said La Ray Subdivision; thence N00°02'E along said east line of La Ray Subdivision for a distance of 10.0 feet more or less to the northeast corner of said La Ray Subdivision; thence west and along the north line of said La Ray Subdivision for a distance of 469.2 feet to a point on the east line of Lincoln Lane; thence south and along said east line of Lincoln Land for a distance of 10.0 feet to the Point of Beginning, said described tract containing an area of 4,730 square feet more or less is hereby discontinued and vacated.







# MEMO

**To:** Chris Hertz, PE

**From:** Scott Aspenlieder, PE

**Date:** July 30, 2020

**Re:** Propriedad - Lincoln Lane Alley Vacation Request

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On behalf of Propriedad, LLC (Developer), Performance Engineering, LLC (PE), submitted a request to vacate public right-of-way to Chris Hertz at the City of Billings Engineering Department on April 21, 2020. City of Billings staff presented the Petition of Acknowledgement to the City Council on May 26, 2020 which was pulled from Consent Agenda, for discussion and ultimately approval for the scheduling of a public hearing. During discussion and subsequent emails from council members, several questions have been asked revolving around the intent of the developer requesting the vacation and the process for vacating the alleyway given the manner in which it was established and it's proximity to the City/County boundary. The vacation application was brought before the City Council for a public hearing on June 22, 2020 at which time further questions were asked of the Developer, along with conditional requests to be considered. The vacation was tabled by Council until more information could be provided.

As a response to the concerns and requests made by City Council, Propriedad, LLC is prepared to the conditional requests made by the Council in tabling the topic. As a condition of annexation of the property in 2015, the Developer will complete a Development Agreement with the City of Billings prior to any development on the property. That Development Agreement will include dedication of right-of-way along Lincoln Lane and any other right-of-way determined to be necessary by the City of Billings Public Works Department. The Developer agrees to pay for the right-of-way to be vacated (4,730 square feet) at a value of \$2.18/sf for a total of \$10,311.40 for vacation of the alley. Propriedad, LLC owns Lots 1-6, Block 1 of the La Ray Subdivision and has no ownership interest in lots south of the property. However, the Developer agrees that should he ever own title to lots south of the property of interest they will be annexed into the City of Billings.

It is our hope that this will clear up any questions or concerns of the Council to allow for a formal vote on the request. The Developer is requesting formal action, up or down, on the issue so that engineering and permitting can proceed to move construction forward. If you have any questions or concerns please do not hesitate to contact Scott Aspenlieder, PE at 406-384-0080 or through email at [scott@performance-ec.com](mailto:scott@performance-ec.com). Thank you for your time and consideration.

**Regular City Council Meeting**

**Meeting Date:** 08/10/2020  
**TITLE:** BOC Property Purchase  
**PRESENTED BY:** Iverson Jessica, Facilities Manager  
**Department:** Facility Services

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**RECOMMENDATION**

Staff recommends approval by Council to enter into a contingent buy/sell agreement with seller.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The Billings Operations Center consists of six buildings located on approximately 16 total acres near the intersection of Midland Road and South Billings Blvd. The BOC complex was completed in 2004 to meet the City's needs at the time, but operational needs are growing as the City expands. With the exception of 2.2 acres adjacent to the newly expanded evidence facility, the property is entirely developed. To accommodate future growth, the City will need additional property to expand the facility and acquiring property directly adjacent to existing facilities is more economical than developing a separate site.

The subject property is located at 6014 South Billings Blvd and consists of approximately 20 acres of agricultural land bordering the BOC's south property line. The property also includes a house and three accessory buildings: garage, shed, and shop building. The property has three different road access points on S Billings Blvd, Songbird Dr, and Maggie Ln.

This property is the most feasible option for future growth of the BOC facilities. City staff has negotiated with the sellers pursuant to the variance to Resolution 93-16740 approved by Council on July 13, 2020. The asking price was set at \$2.5 million, however after negotiations, the seller has agreed on a sale price of \$2.1 million with closing costs split between buyer and seller.

If council approves the terms of the buy/sell agreement, then the City will enter into a contingent binding agreement with the sellers. Staff will then initiate the appraisal and investigation portion of the purchase process.

**ALTERNATIVES**

City Council may:

- Approve offer, thus entering into a contingent agreement with the sellers to purchase the property at \$2.1 Million; or
- Disapprove and direct staff to conduct further negotiations or discontinue pursuing this purchase.

**FISCAL EFFECTS**

The cost of the property is not budgeted in FY21, however financial options will be presented by staff.

Appraisals and inspection/investigation costs are estimated at \$30,000.

Removal of the existing buildings is estimated at \$50,000.

Purchase of the land is a capital investment in the future. Failure to obtain the property would limit growth opportunities at the current BOC site and could lead to unknown, potentially significant costs in the future.

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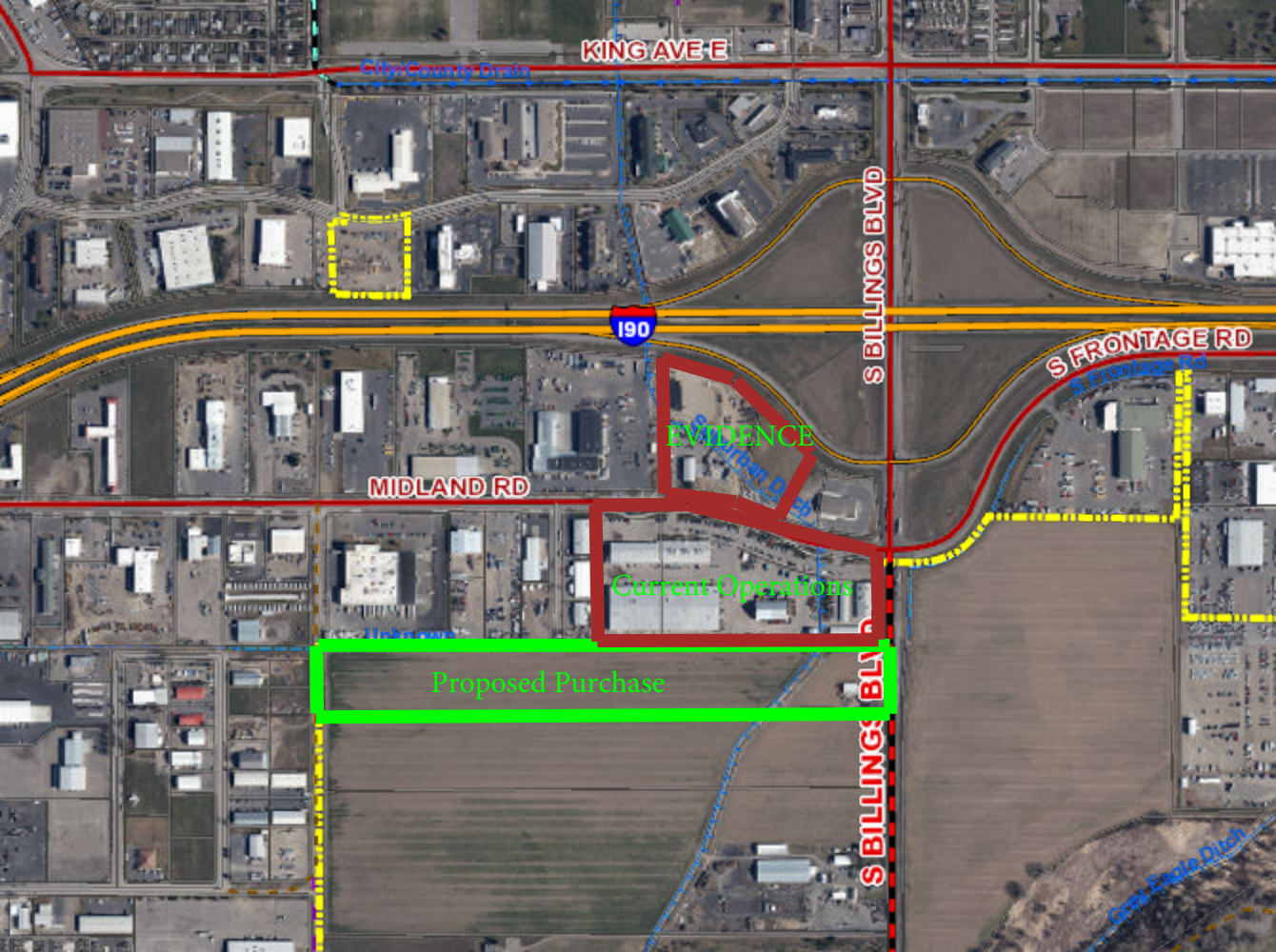
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## **Attachments**

BOC Land

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KING AVE E

Flyer Court by Drain

190

S BILLINGS BLVD

MIDLAND RD

S FRONTAGE RD

S Frontage Rd

EVIDENCE

Current Operations

Proposed Purchase

S BILLINGS BLVD

Sage Creek Ditch

4810

A30494

Unknown

Suburban Ditch

Existing Structures

D01893

0014

S BILLINGS BLVD

D01874

D01893A