



**OFFICE OF THE CITY CLERK
COUNCIL ACTION FORM**

SUBJECT: Resolution 23-11096 Approving Missing Sidewalk
Improvements for WO 23-02

Council Meeting Date: January 23, 2023

Vote: Approved 8-3, NEESE, OWEN and TIDSWELL OPPOSED

**Shaw, Gulick, Neese, Owen, Joy, Choriki, Tidswell,
Purinton, Boyett, Rupsis, Mayor Cole**

City Council Regular

Date: 01/23/2023
Title: WO 23-02: Missing Sidewalk Program - Resolution Ordering Improvements
Presented by: Debi Meling
Department: Public Works
Presentation: Yes
Legal Review Yes

RECOMMENDATION

Staff recommends that Council approve a resolution ordering improvements identified in the 2023 Missing Sidewalk Program.

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

The City has an annual concrete program to make improvements addressing tripping hazards, drainage problems, property owner requests, complaints of concrete issues, and other miscellaneous concrete work. The annual program is split into three separate projects. The first project, "Sidewalk Tripper Repair", corrects concrete tripping hazards that can be repaired by grinding. The second project, "Small Concrete Replacement", primarily includes tripping hazards unable to be repaired by grinding that are corrected by replacing the concrete. The third project is the "Missing Sidewalk" project that is the subject of this council action.

The Missing Sidewalk project focused on installing sidewalk in areas that are missing pedestrian facilities. This project is in accordance with State law (MCA 7-14-4109) and City Resolution 18-10719 that allow the City Council to order certain improvements such as sidewalks, curbs, or gutters to be constructed without the creation of a special improvement district (SID). City staff identified and prioritized areas of missing sidewalk along arterial streets, collector streets, school routes (as shown in the Safe Routes to School study), or in high pedestrian areas for inclusion in this program. The streets that are missing sidewalk include Virginia Lane from Rimrock Road to Poly Drive; Alkali Creek Road from Moon Valley Road to Sandstone Trail; Parkview Drive from Broadwater Avenue to Lillis Lane; 21st Street West from Grand Avenue to Avenue D; Avenue C from 24th Street West to 22nd Street West; and 12th Street West from Lewis Avenue to Grand Avenue.

Based on City Resolution 18-10719, the property owners are responsible to pay for sidewalk on their addressed side and drive approaches on both addressed and non-addressed sides. The City is responsible to pay for curb and gutter replacement, sidewalk on non-addressed sides of properties, and ADA improvements at corners and on sidewalks that are in good condition, but were constructed before ADA requirements were in place. The estimated assessments for the properties are shown in Exhibit B of the Resolution Ordering Improvements as attached.

ALTERNATIVES

The Council may:

- Approve the Resolution ordering construction of the improvements; or
- Approve a subset of streets within the Resolution ordering construction of the improvements; or
- Not approve the Resolution ordering construction of the improvements. If the Council does not approve the Resolution, the property owners cannot be assessed and the completion of missing sidewalk will be delayed because there is no other current source of funding.

FISCAL EFFECTS

The project is funded through Gas Tax funds budgeted in FY23 and direct property assessments. The assessments included in the resolution are in the amount of \$407,000 (\$330,006 construction and \$76,994 bond/engineering cost). Gas Tax funds in the amount of \$612,003 comprise the remainder of the budget.

Attachments

Resolution Ordering Improvements
 Exhibit A to Resolution Ordering Improvements
 Exhibit B to Resolution Ordering Improvements
 Resolution 18-10719 Sidewalk Curb and Gutter Policy

Res. 23-11096

COUNCIL ACTION	Approved
8-3, Neese, Owen, Tidwell	Opposed
JAN 23 2023	
db	
CITY CLERK	

RESOLUTION 18-10719

A RESOLUTION REPEALING 99-17447 AND 04-18137 AND ADOPTING THE CITY OF BILLINGS POLICY FOR CONSTRUCTION AND REPAIR OF CURB, GUTTER AND SIDEWALKS

WHEREAS, the City of Billings desires to construct and maintain a safe and efficient street network, including the installation and maintenance of curb, gutter, and sidewalk, and

WHEREAS, the safety of pedestrians is a concern properly addressed by the City of Billings, and

WHEREAS, streets within the City of Billings not previously constructed to a full maintainable standard, including the installation of curb, gutter, and sidewalk should be upgraded on an ongoing basis, and

WHEREAS, curb, gutter, and sidewalk improvements, once installed, need to be subject to a regular maintenance program;

WHEREAS, for the purpose of this resolution, residential properties are defined as lots or parcels with single family or duplex dwelling units on it. Non-residential properties are defined as lots or parcels with commercial buildings on it and lots or parcels with 3 or more residential dwelling units on it.

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

Installation of New or Missing Curb, Gutter, and Sidewalk Improvements in Established Neighborhoods

For this program, curb, gutter, and sidewalk, together with or without corresponding street improvements are completed within those areas of the city where the work has not previously been addressed.

1. The City Engineer's office shall periodically recommend infill improvements to the City Council based on one or more of the following:
 - a. Citizen request.
 - b. Staff recommendations.
 - c. Coordination with other projects.
 - d. Along school walking routes.
 - e. Other public interest.
2. Improvements are to be assessed to fronting property owners.

3. For residential corner lots, improvements along the addressed side of the lot and private property specific improvements (i.e. drive approaches) along the non-addressed side serving the property will be assessed to the property owner. All other improvements along the non-addressed side of the lot will be paid by the City.
4. For non-residential corner lots, improvements along both sides will be assessed to the property owner.

Repair and Maintenance of Existing Curb, Gutter and Sidewalk Improvements

These projects provide for the ongoing maintenance of curb, gutter and sidewalk previously constructed. The general policy for repair and maintenance programs is as follows:

1. The City Engineer's office shall periodically recommend repair and maintenance programs based upon:
 - a. Complaints.
 - b. Staff recommendations.
 - c. Property owner requests.
2. The City Engineer's office has developed a policy statement for defective sidewalk, curb, and gutter and driveways which shall be used as a baseline for the inventory of work recommended for repair, followed by discussions with individual property owners.
3. The following construction costs are assessed to the fronting property owners as follows:
 - a. Sidewalk repair or replacement.
 - b. Landscaping necessary for sidewalk repair or replacement.
 - c. Tree removal necessary to repair sidewalk.
 - d. Drive approaches and driveway repair or replacement.
 - e. Adjacent asphalt to assessed improvements
4. Curb and gutter repair or replacement, storm drain improvements, and adjacent asphalt will be paid for by the City of Billings.
5. For residential corner lots, improvements along the addressed side of the lot and drive approaches along the non-addressed side serving the property will be assessed to the property owner. All other improvements along the non-addressed side of the lot will be paid by the City.

6. For non-residential corner lots, improvements along both sides will be assessed to the property owner.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, this 14th day of May 2018.



ATTEST:

By: 
Toni Keehner, Deputy City Clerk

CITY OF BILLINGS

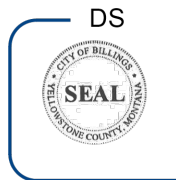
By: 
William A. Cole, Mayor

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Billings, Montana (the City), hereby certify that the attached resolution is a true copy of **Resolution 23-11096**, entitled: **A RESOLUTION RELATING TO THE 2023 CITY MISSING SIDEWALK PROJECT; ORDERING IN CERTAIN LOCAL IMPROVEMENTS AND DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO FINANCE THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SIDEWALK, CURB AND GUTTER IMPROVEMENT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT REGULATIONS UNDER THE INTERNAL REVENUE CODE** (the "Resolution") was duly adopted by the City Council of the City at a meeting on January 23, 2023; that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Councilmembers voted in favor thereof: Shaw, Gulick, Joy, Choriki, Purinton, Boyett, Rupsis and Mayor Cole; voted against the same: Neese, Owen and Tidswell; or were absent: NONE.

WITNESS my hand officially this 23rd day of January, 2023.



DocuSigned by:
By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

RESOLUTION 23-11096

**A RESOLUTION RELATING TO THE 2023 CITY MISSING
SIDEWALK PROJECT; ORDERING IN CERTAIN LOCAL
IMPROVEMENTS AND DECLARING IT TO BE THE
INTENTION OF THE CITY COUNCIL TO FINANCE THE
COSTS THEREOF AND INCIDENTAL THERETO
THROUGH THE ISSUANCE OF SIDEWALK, CURB AND
GUTTER IMPROVEMENT BONDS SECURED BY THE
CITY’S SPECIAL IMPROVEMENT DISTRICT REVOLVING
FUND AND ESTABLISHING COMPLIANCE WITH
REIMBURSEMENT REGULATIONS UNDER THE
INTERNAL REVENUE CODE.**

BE IT RESOLVED by the City Council of the City of Billings, Montana (the “City”), as follows:

Section 1. Authorization. Certain curbs, gutters, sidewalks, drive approaches, alley approaches and/or appurtenant features or a combination thereof in certain locations in the City have deteriorated, settled and cracked, or none exist, and the safety and convenience of the public require installation, construction, reconstruction, repair and/or replacement thereof. Pursuant to Section 7-14-4109, MCA, the Council is authorized to order the installation, construction, reconstruction and/or replacements of certain curbs, gutters, sidewalks, drive approaches and/or appurtenant features or a combination thereof (the “Improvements”) in certain locations in the City and without creation of a special improvement district.

Section 2. Ordering of Improvements. It is hereby ordered that the improvements, consisting of the construction and installation of curbs, gutters, sidewalks, drive approaches and appurtenant features as described on Exhibit A hereto, be installed, constructed, reconstructed, repaired and/or replaced.

Section 3. Estimated Costs of the Improvements. The City estimates that the costs of the Improvements are \$1,019,003. Costs of the Improvements include costs of the design, engineering, construction and installation of the Improvements, costs of funding a deposit to the City’s Special Improvement District Revolving Fund (the “Revolving Fund”), costs associated with the sale of the Bonds (as hereinafter defined), and all other incidental costs as described below:

Construction Costs	\$330,006.00
City Engineering (Project Management)	43,444.00
Finance	1,200.00
Revolving Fund	20,350.00
Issuance Costs	12,000.00
Total Assessed Costs	\$407,000.00

Section 4. Property to be Assessed. The properties which are adjacent to the Improvements will be assessed for costs of the Improvements as shown on Exhibit B hereto. The cost to be assessed against each property will vary depending upon the actual construction that is required adjacent to each such property.

Section 5. Property Owner Option to Construct Improvements. Notice of passage of this Resolution shall be mailed to all affected property owners. Each such owner will have thirty (30) days from the date of said notice in which to install the Improvements with respect to its property at its own expense. In the event that any owner does not install the Improvements with respect to its property, the City will install such Improvements and will assess the costs of the Improvements against such property.

Section 6. Payment for Improvements. Costs of the Improvements (unless paid directly by the affected property owner) are to be paid from the proceeds of Sidewalk, Curb, and Gutter Improvement Bonds (the "Bonds") in an aggregate principal amount not to exceed \$407,000.00.

Section 7. Bond Financing; Pledge of Revolving Fund; Findings and Determinations. The Bonds will be repaid from the assessments for costs of the Improvements, together with interest thereon calculated pursuant to Section 7-12-4189, MCA, to be levied against the properties to be assessed for the Improvements. Assessments for the costs of the Improvements, together with interest thereon, shall be payable over a term not exceeding 12 years, each in equal semiannual installments as this Council shall prescribe in the resolution authorizing the issuance of the Bonds. Principal of and interest on the Bonds will be paid from such assessments.

After the Bonds are issued, all property owners to be levied for the Improvements shall have the right to prepay assessments as provided by law.

This Council further finds that it is in the public interest, and in the best interest of the City and the properties to be assessed for the Improvements, to secure payment of principal of and interest on the Bonds by the Revolving Fund and hereby authorizes the City to enter into the undertakings and agreements authorized in Section 7-12-4225 in respect of the Bonds.

In determining to authorize the issuance of the Bonds and the pledge of the Revolving Fund therefor, this Council has taken into consideration the following factors:

(a) Estimated Market Value of Parcels. The estimated market value of the properties to be assessed for the Improvements as of the date of adoption of this resolution, as estimated by the County Assessor, ranges from \$44,354 to \$7,631,700 and is set forth in Exhibit B. The estimated average market value of the properties to be assessed for the Improvements is \$493,356 and the median market value of the properties to be assessed for the Improvements is \$264,500. The special assessments to be levied against each property listed on Exhibit B hereto are less than the increase

in estimated value of the properties as a result of the construction of the Improvements.

(b) Diversity of Property Ownership. There are a total of 34 properties to be assessed for the Improvements and all of such properties are owned by separate owners.

(c) Comparison of Special Assessments, Property Taxes and Market Value. Based on an analysis of the aggregate amount of the proposed assessments, any outstanding assessments (whether or not delinquent), and any delinquent property taxes (as well as any known industrial development bonds theretofore issued and secured by a mortgage against a property to be assessed for the Improvements) against each property to be assessed for the Improvements in comparison to the estimated market value of such property after the Improvements, the City concludes that, overall, the estimated market value of the properties to be assessed for the Improvements exceeds the sum of the proposed assessments, outstanding assessments and delinquent property taxes, and is set forth in Exhibit B hereto.

(d) Delinquencies. An analysis of the amount of delinquencies in the payment of outstanding assessments or property taxes levied against the properties to be assessed for the Improvements is set forth in Exhibit B hereto, which analysis shows that of 34 properties, 0 properties were delinquent.

(e) Public Benefit of the Improvements. The Improvements are required for the safety and convenience of the public. Pursuant to the City's Subdivision and Site Development Ordinances, and under City Council policies, the cost of installation of new sidewalk, curb, gutter, and drive approaches is to be borne by the adjacent property owners.

8.1 Regulations. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

8.2 Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures permitted to be reimbursed under

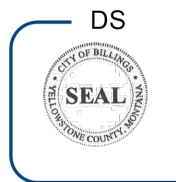
the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Improvements have been paid by the City before the date 60 days before the date of adoption of this resolution.

8.3 Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$407,000 after the date of payment of all or a portion of the costs of the Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

8.4 Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

8.5 Reimbursement Allocations. The City’s financial officer shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Improvements. Each allocation shall be evidence by an entry on the official books and records of the City maintained for the Bonds or the Improvements and shall specifically identify the actual original expenditure being reimbursed.

PASSED, ADOPTED and APPROVED on this 23rd day of January, 2023.



CITY OF BILLINGS

DocuSigned by:
BY: William A. Cole
William A. Cole, Mayor

ATTEST:

DocuSigned by:
BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

Exhibit A

2023 Missing Sidewalk

Tax Code	Address	Work to be performed
A07562A	1409 21ST ST W	66' sidewalk, 1 alley approach
A07562B	1411 21ST ST W	66' sidewalk, 1 ADA
A07582	1503 21ST ST W	128' sidewalk, 10' curb & gutter, 1 approach, 1 ADA
A07583	1515 21ST ST W	106' sidewalk, 1 approach, 1 ADA
A07642	2046 AVENUE D	121' sidewalk, 1 approach, 1 bush
A08957	2606 VIRGINIA LN	176' sidewalk, 200' curb & gutter, 2 approaches
A08958	2540 VIRGINIA LN	96' sidewalk, 120' curb & gutter, 2 approaches
A08959	505 WOODLAND DR	105' sidewalk, 122' curb & gutter, 1 approach, 2 ADA
A10333	2716 YELLOWSTONE AVE	137' sidewalk, 1 approach, 2 ADA
A10537	1215 PARKVIEW DR	140' sidewalk, 1 ADA
A16602	1119 12TH ST W	70' sidewalk, 1 approach
A16603	1148 BURLINGTON AVE	74' sidewalk, 1 approach
A16612	1219 12TH ST W	150' sidewalk, 46' curb & gutter, 1 approach
A16648	1313 12TH ST W	75' sidewalk
A16698	1006 ALKALI CREEK RD	148' sidewalk, 1 ADA
A16698A	968 ALKALI CREEK RD	115' sidewalk
A16698B	960 ALKALI CREEK RD	105' sidewalk, 1 tree stump
A16698C	954 ALKALI CREEK RD	92' sidewalk
A16699C	936 ALKALI CREEK RD	132' sidewalk, 1 ADA
A16700	930 ALKALI CREEK RD	106' sidewalk, 1 ADA
A16700A	924 ALKALI CREEK RD	104' sidewalk, 1 tree
A16700B	920 ALKALI CREEK RD	113' sidewalk
A16700C	906 ALKALI CREEK RD	116' sidewalk, 1 ADA
A16701	1118 ALKALI CREEK RD	122' sidewalk, 1 approach, 1 ADA, 1 bush
A16705	1024 ALKALI CREEK RD	141' sidewalk, 1 ADA
A16705A	1034 ALKALI CREEK RD	98' sidewalk
A16705B	1042 ALKALI CREEK RD	104' sidewalk
A16706	1100 ALKALI CREEK RD	102' sidewalk
A16706A	1112 ALKALI CREEK RD	65' sidewalk, 1 approach
A21956	2291 AVENUE C	464' sidewalk, 82' retaining wall
D05661	2726 VIRGINIA LN	118' sidewalk, 130' curb & gutter, 1 approach, 2 ADA
D05662	2718 VIRGINIA LN	188' sidewalk, 200' curb & gutter, 1 approach
D05665	2712 VIRGINIA LN	96' sidewalk, 120' curb & gutter, 2 approaches
D05666	2704 VIRGINIA LN	122' sidewalk, 122' curb & gutter, 1 ADA

Exhibit B

2023 Missing Sidewalk

Tax Code	SID #	SID Pay-off (A)	Delinquent (B)	Assessment (C)	A + B + C	Market Value
A07562A				\$7,447.95	\$7,447.95	\$190,800.00
A07562B				\$7,447.95	\$7,447.95	\$69,335.00
A07582				\$17,404.48	\$17,404.48	\$173,600.00
A07583				\$17,019.69	\$17,019.69	\$199,700.00
A07642				\$5,253.90	\$5,253.90	\$234,500.00
A08957				\$15,624.82	\$15,624.82	\$784,000.00
A08958				\$10,137.82	\$10,137.82	\$569,700.00
A08959	2914	\$2,446.07		\$2,417.29	\$4,863.36	\$315,100.00
A10333				\$3,792.43	\$3,792.43	\$209,700.00
A10537				\$10,563.31	\$10,563.31	\$249,800.00
A16602				\$9,968.24	\$9,968.24	\$149,700.00
A16603				\$2,050.38	\$2,050.38	\$243,900.00
A16612				\$20,238.63	\$20,238.63	\$306,800.00
A16648				\$7,794.53	\$7,794.53	\$44,354.00
A16698				\$11,679.46	\$11,679.46	\$238,000.00
A16698A				\$15,626.05	\$15,626.05	\$275,700.00
A16698B				\$9,623.53	\$9,623.53	\$245,900.00
A16698C				\$8,238.52	\$8,238.52	\$264,700.00
A16699C				\$12,957.17	\$12,957.17	\$296,300.00
A16700				\$14,003.01	\$14,003.01	\$222,500.00
A16700A				\$11,385.93	\$11,385.93	\$215,100.00
A16700B				\$11,474.73	\$11,474.73	\$228,500.00
A16700C				\$13,446.79	\$13,446.79	\$209,200.00
A16701				\$17,028.32	\$17,028.32	\$277,100.00
A16705				\$9,661.76	\$9,661.76	\$308,400.00
A16705A				\$8,860.11	\$8,860.11	\$307,600.00
A16705B				\$8,514.78	\$8,514.78	\$297,800.00
A16706				\$11,647.39	\$11,647.39	\$276,000.00
A16706A				\$13,852.55	\$13,852.55	\$298,600.00
A21956				\$49,042.60	\$49,042.60	\$7,631,700.00
D05661				\$9,817.15	\$9,817.15	\$264,300.00
D05662				\$14,565.40	\$14,565.40	\$305,000.00
D05665				\$10,137.81	\$10,137.81	\$494,200.00
D05666				\$8,275.52	\$8,275.52	\$376,500.00
Average				\$11,971.00	\$12,043.00	\$493,356.00
Median				\$10,351.00	\$10,351.00	\$264,500.00
Low				\$2,050.38	\$2,050.38	\$44,354.00
High				\$49,043.00	\$49,043.00	\$7,631,700.00

Certificate Of Completion

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Status: Completed

Subject: Resolution 23-11096 approving Missing Sidewalk Program improvements - WO 23-02

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Certificate Pages: 5

Initials: 0

Denise R. Bohlman

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bohlmand@billingsmt.gov

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bohlmand@billingsmt.gov

Signer Events

William A. Cole

coleb@billingsmt.gov

Mayor

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Signature

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Denise R. Bohlman

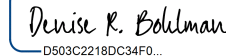
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City Clerk

City of Billings

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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

Toni Keehner

keehnert@billingsmt.gov

Deputy City Clerk

City Clerk

Security Level: Email, Account Authentication (None)

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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	1/30/2023 12:27:00 PM
Envelope Updated	Security Checked	1/30/2023 12:27:52 PM
Envelope Updated	Security Checked	1/30/2023 12:31:02 PM
Envelope Updated	Security Checked	1/30/2023 12:31:03 PM
Envelope Updated	Security Checked	1/30/2023 12:31:03 PM
Certified Delivered	Security Checked	1/30/2023 1:26:46 PM
Signing Complete	Security Checked	1/30/2023 1:27:40 PM
Completed	Security Checked	1/30/2023 1:27:43 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft OBO City of Billings (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Carahsoft OBO City of Billings:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: kampal@billingsmt.gov

To advise Carahsoft OBO City of Billings of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at kampal@billingsmt.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Carahsoft OBO City of Billings

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to kampal@billingsmt.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft OBO City of Billings

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to kampal@billingsmt.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft OBO City of Billings as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft OBO City of Billings during the course of your relationship with Carahsoft OBO City of Billings.