

UPDATE: The 45% Increase in Cascade County Rural Solid Waste District Assessment

WRITTEN BY
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On Tuesday, March 11, 2025, in the 9:30 am Cascade County Commissioner meeting, Commissioners signed a lease agreement to construct a new solid waste container site in Belt – right across the fence from the recently vacated one. Construction of a new site is loosely estimated between \$100,000 - \$190,000. And, in an ensuing “Solid Waste Hearing” at 11:00 am, they signed a resolution to seek a loan, up to \$300,000. The loan is to be used for the solid waste district program in general. Lastly, in September, 2024, taxpayers were assessed a 45% increase to their Solid Waste tax assessment which infused over \$400,000 into the Solid Waste District budget. However, there is no way the Public will know anything further because, assumedly, the majority of the discussions leading up to these decisions were by undisclosed meetings and email deliberations. Commissioners then refused to answer inquiries of citizens as they went to the podium to participate. There were over 40 attendees in the Regular meeting where the contract for the Belt Solid Waste site contract was brought forward. No one spoke in favor of signing the contract and the former leased landowner again extended his December 27, 2024 offer to the County “. . . for 2023 lease prices of \$1,500 per year, or \$125 a month.” He stated, “This will grant the Belt community the services that they pay for, and their property tax assessments, and the Cascade County Commissioners the time to purchase and or lease and construct a new dump site.”

What We Know

On April 2, 1971, the Cascade County Rural Solid Waste District was created by the Board of County Commissioners and governed by the City-County Board of Health of Cascade County, Montana

On November 27, 2007, the Cascade County Commissioners assumed the duties of the Cascade County Rural Solid Waste District Board.

On August 31, 2012, in conjunction with the annual budgeting process, and in accordance with statute (MCA 7-11-1025), the Solid Waste District assessment was increased. This was the last time the assessment was evaluated, prior to September, 2024.

In July, 2024, Commissioners discussed leasing land from the Warhime’s for a new Solid Waste container site. At that time, some Commissioners said it was too costly and was not up for consideration.

On September 5, 2024, the FY25 County budget was approved by a vote of 2 to 1.

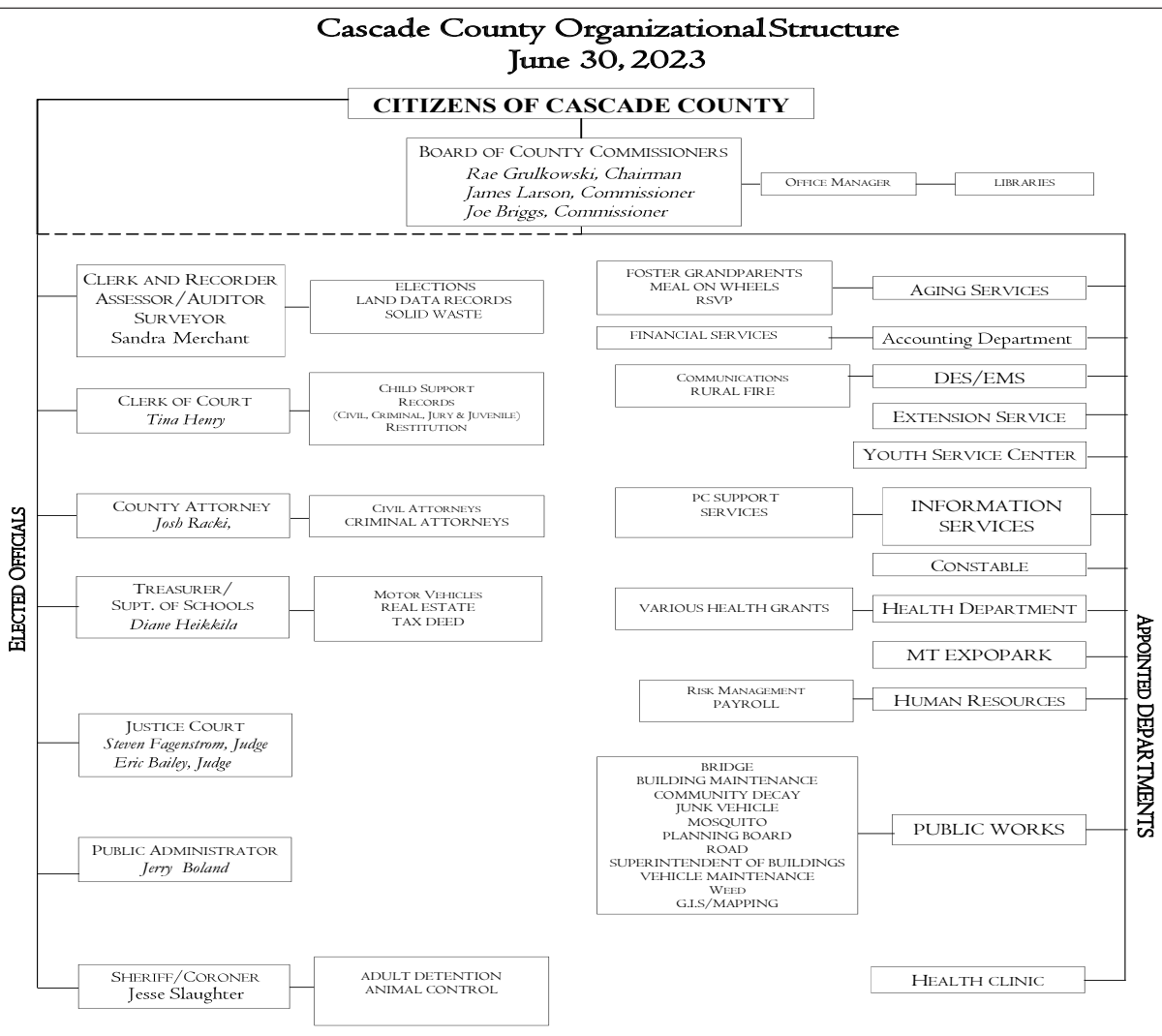
On September 19, 2024, Cascade County Commissioners approved a 45% increase to the Solid Waste District assessment, by a vote of 2 to 1, without following statute and without providing a Public Hearing on the assessment, prior to adoption.

In the prior edition of “The Liberty Bell”, taxpayers were asked to file a protest to the Rural Solid Waste District Board (a/k/a County Commissioners), for the 45% tax assessment increase because it was done unlawfully due to lack of public notice and public hearing. To date, only 6 citizens have filed a protest, allowing their County Commissioners to ignore addressing protest to the increased tax assessment.

Simultaneously . . .

The landowner who held the lease for the Belt Solid Waste site since 2020, (Bumgarner), attended the March 11 meeting noted above, and submitted a timeline of interactions with the County, regarding that lease. That timeline follows.

- April 2024 – County Attorney’s Office offers Bumgarner a proposal for a 10 years lease @ \$1500/year.
- May 2024 – Bumgarner counters with 5 year lease at \$4500/yr.
- July 2024 – Bumgarner contacts County Attorneys Office to remind them the contract was 30 days delinquent. County Public Works Director asks landowner if he is willing to sell his parcel rather than lease.
- August 2024 – Meeting amongst Bumgarner, County Attorney’s Office and County Public Works Department takes place regarding the County purchasing container site from Bumgarner. Bumgarner left with two considerations on the table at the end of



- meeting; 1) whether to sell the current site to County and; 2) whether County would execute a 6-month lease of \$2250 to cover until end of year, to Bumgarner.
- September 2024 – County Legal notified Bumgarner that the County was not interested in the sale.
- December 5, 2024 – Bumgarner contacts Republic Services and 2 County Commissioners to notify closure of the site was looking eminent with contract negotiations halting.
- December 11, 2024 – Bumgarner receives offer from County Attorney’s Office of a 2 year lease @ \$4500/yr. County Attorney’s Office also phoned Bumgarner to verify his receipt of this offer by email. This offer was countered by Bumgarnder to include \$315 of penalties and interest per property tax formula.
- December 12, 2024 – Bumgarner receives notice from County Attorney’s Office that the next Commissioner meeting was not going to be held until January 2025. THE FINAL TWO COMMISSIONER MEETINGS OF THE YEAR WERE CANCELLED, with no notice to the Public and no substantial reason given.
- December 13, 2024 – Bumgarner responds to County Attorney’s Office by clarifying the County had 6 months of scheduled Commissioner meetings, Special meetings and an upcoming meeting scheduled for December 18, 2024 (at time of response, the two final 2024 meetings were still noticed on the County website). Bumgarner notified them that, without evidence that this matter was on the agenda, he would take steps to close the container site starting December 14, 2024. County Attorney’s Office responded that the County would not be taking any immediate action on this request.
- December 17, 2024 – Bumgarner was notified by County that they wish to negotiate but required the container site remain open during negotiations.
- December 19, 2024 – Bumgarner declines request to have container site open during further negotiations, reminding them there has been no executed lease or payment during the past 6 months of negotiations.
- December 23, 2024 – Bumgarner was notified “the Commission” did not wish to negotiate any further.
- December 27, 2024 – Bumgarner offered County the container site through June 30, 2025 @ \$1500 for the term.
- December 28, 2024 – Bumgarner was notified “the Commission” did not wish to negotiate any further.

During those negotiations, the mention of a potential deal with the Warhime’s was made amongst County officials as early as August 2024. Also during this time, the Board of County Commissioners did not hold meetings to negotiate the renewal of the Belt container site contract. However, some Commissioners were active in the talks with County Legal.

And What Else Did We Not Know?

Although Bumgarner had twice notified the

County he intended to close the container site at Belt if negotiations did not ensue, the County did not notify the Public of the potential closure and on the wintery Saturday morning of December 14. As citizens took their refuse to the “dump”, they were met with the unexpected surprise. While the County did not notify its citizens, the landowner immediately contacted media sources to initiate a broadcast to the community about the closure. In a KRTV article dated December 17, 2024, an excerpt is quoted as follows: “It was a typical Saturday morning, got to haul our trash down to the dump. We showed up, [the] gate was locked, no signs, no notices,” explained rural Cascade County resident Chad Schearer. ‘I just got our tax bill for the year; it increased 45% and now we have to go all the way to Stockett, that’s the closest receptacle for us out here. So, some of my concerns is the amount of trash that might blow out of vehicles and mess up our beautiful county just because our commissioners weren’t able to get this done in a timely manner,’ said Schearer.”

On the evening of Monday, December 17, 2024, the County Commissioners Office put out a Press Release “condemning” Bumgarner for refusing to negotiate. Still no announcement was made by the County, to notify the Public of events taking place. It was also at this time word began getting out that the County Commissioners had cancelled their last two meetings of the year, without documented notice to the Public and without substantial cause to do so.

The harsh weather and road conditions fell on the County in January and February. Citizens were on their own to haul trash 20 to 30 miles for disposal. With the tolerance of the community, they quietly found means to secure their own “health, welfare and safety”, something the government is to be held responsible for to their community.

County Officials assumedly continued to meet in secret during this time, about lease contract negotiations and ways to secure more money for the Solid Waste District program. The Public was not allowed access to these deliberations and had no idea what changes were being planned or why, and at what cost to the taxpayers. They only had to continue finding their own means to secure their health, welfare and safety.

When the agenda for the March 5, 2025 County Commissioner Work Session appeared on the County website, it contained an agenda item for a 10 year contract for the operation of a Belt Solid Waste Dump Site, with James and Shirley Warhime named as lessor. Commissioners said nothing of any detail about the contract in the Work Session, and the contract itself was not available to the Public until the evening before the Regular Meeting held on March 11, 2025.

On Friday, March 7, 2025, the Commission Office ‘Noticed’ a Special Meeting on their website, to be held March 11, 2025 at 11:00 am, following their Regular Meeting. The agenda stated this meeting was a “Public Hearing” to; “Discuss funding options for new Solid Waste Disposal Site improvements and



the best use of the funding for the long term success of Cascade County's Solid waste Management System". However, packet materials did not include an Action Agenda Report or a copy of the resolution that was scheduled to be presented. These packet items were not available to the Public until just prior to the 11 am meeting. During this meeting, the only option discussed was applying for a loan. No substantial conversation about why funding was needed, took place.

Here is Where We are Heading

- In June, 2024, a new contract was signed with Republic services that updated their costs to the County, which the Commissioners used to justify an enormous 45% increase to the taxpayer assessment. Other entities stay ahead of the game, keeping up with economics. Elected Officials are digging into your pockets instead of managing the program.
- The County signed a contract with Pacific Steel and Recycling for a 3 year term to begin 1-01-2013 (the last time the operations of your Solid Waste District program was reviewed). According to the contract, it automatically renewed for 2 cycles because neither party terminated. Over the past 4 years, Pacific Steel has made numerous attempts to discuss the contract expiration with the County. No reciprocation has been received and the Solid Waste program continues to be paid at 2013 market prices for the steel and other recyclables received by the County citizenry. A review of the Rural Solid Waste District program comprehensively, has not yet been scheduled by County Commissioners.
- On March 17, 2025, a hearing was held in the County Commissioners Chambers and by zoom. As Notice reads, The County Public Works Department has requested "a government exemption per MCA 76-2-402 to establish a waste disposal dump site contrary to the Cascade County Zoning Regulations permitting requirements . . ." Cascade County is one of two counties in Montana that is fully zoned, adopted by the Board of County Commissioners in 2005. The Board of County Commissioners requested an exemption from the Board of County Commissioners pursuant to MCA 76-2-403 for its waste disposal dump 'project', contrary to the Cascade County Zoning Regulations permitting requirements. There were about 15 attendees and 2 citizens spoke to oppose the exemption being granted. No one spoke in support. Some statements made in opposition were:

- The statute quoted (MCA 76-2-402) does not allow for a government "exemption" and in the 2021 legislative recording, during the House hearings, Senator Mercer explained that the purpose of the amendment was to simplify the process when a State agency wishes to use Public land contrary to local zoning regulations. This applies to Group and Foster Homes proposed in areas that are contrary to local zoning regulations. At no time during the hearing were the words "exempt" or "exemption" used.
- The letter from Cascade County Public Works Director, Les Payne, did not request an "exemption" from the Board of County Commissioners, as the resolution stated.
- Cascade County entered into an agreement with the Warhimes on March 11 to lease 2.48 acres. Issuance of a Special Use Permit (SUP) is permissible as a Solid Waste Disposal Site, according the Cascade County Zoning Regulations, provided parcel size is twenty (20) acres or greater. The County, as lessee, would not qualify for this SUP.
- On the acreage recently leased and surrounding, is a drainage that runs into the Town of Belt. Citizens requested assurances regarding concerns for the operation nearby the drainage, as well as compaction issues of the ground in the lease area being suitable for operations proposed.
- The precedent set by expediting processes without going through established regulations was a concern. The Commission has discussed the Warhime lease option as early as July 2024, initially ruling out that lease option due to costs. The process to secure and create a new container site now demonstrates an accelerated process that is not typical nor should it warrant eliminating the County zoning regulations protocols.

Cascade County Civil Attorneys referenced *Hagfeldt vs. City of Bozeman* as a case in which the statute used (MCA 76-2-402) was defended. Other Public concerns were not addressed. Commissioners unanimously passed Resolution #25-21 to allow themselves an exemption from Cascade County Zoning Regulations, in establishing a new Solid Waste container site across the fence from the newly vacated site.

What To Do?

Friends and neighbors, where are you? Attend and participate in your meetings of your local government. Hold your Elected Officials accountable and engage with your community

members that are faithful to making this a great County to live in. Ensure your government acts for the body of their constituents, collectively.

The first thing many of you want to do (and have done) is go to State Officials and tell them to help you. Number one, that is asking for more government. Big government is bad; the best governance is governance closest to the People. Number two, YOU are the governance over the Commissioners. The attached chart comes from the Annual Financial Report filed by your County Financial Office every year. This chart is outdated because your report is now delinquent and an updated chart was not available at the time of this printing. Notice who has authority over your County Commissioners. Attend meetings and tell your Elected Officials how to represent you. YOU and only you will make a change by what you allow them to do – and not do.

If you are disgruntled with the recent 45% Solid Waste Assessment increase file a protest. You were given tools to protest and appeal the tax assessment in the last edition of "The Liberty Bell". Get the form online or call the County Treasurer's Office at 406-454-6850 for information. The due date to file is unknown because the County has no written guidelines on protesting an *assessment*, and there is no prior knowledge of citizens using their ability to protest in County history. If you are told it is too late to file a protest at the Treasurer's Office please ask them to show you the policy that states a timeline. There is none. The County Commissioners, who are the governing body of the assessment, have to administer procedures. That means, they have to write guidelines, then administer them. Your protest will tie up government use of your 45% increase until these matters are settled. That should compel the County Commissioners to take proper action. There is strength in numbers so the more people who file protests, the more likely something will be done.

I have been a county resident in varying States in this nation since 1982. Why do I choose to live in the County and not a town or city? Additional freedoms and additional independence. Like anything worth having, it's only yours as long as you can keep it.

Many of you elected your County Officials. It is your obligation to ensure they represent you with integrity until another can be elected. Please make a difference and take action now. 🗳️