111th Annual Conference
Montana Association of Counties

Minutes

Virtual Conference Via Zoom
Hosted by Lewis & Clark County

September 29 – October 1, 2020
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Given the then status of the COVID-19 pandemic, MACo was unable to host a full on-site conference and comply with social distancing requirements. Therefore, the 111th Annual Conference was held virtually from September 29 through October 1, 2020.

The focus of the conference centered around electing MACo’s officers for the 2020-2021 term as well adopting MACo’s legislative package for the 2021 legislative session. Committee chairs, Trustees, the Board of Directors, and 2nd Vice President Candidates were invited to come to Helena in-person for the purpose of conducting the virtual meetings. All other participants were asked to participate remotely.

What follows is a summary of the conference happenings as well as supporting documents.

**SEPTEMBER 29 – OCTOBER 1, 2020**

**MACo COMMITTEE MEETINGS**

MACo’s 111th Annual Conference began on September 29, 2020, with MACo committee meetings, which met through the morning of October 1st. The committees convened with the primary purpose of reviewing and vetting the proposed resolutions as well as finalizing amendments to their policy statements.

Adopted resolutions and policy statements would embody MACo’s 2021 legislative package: Resolutions become pieces of legislation that MACo helps usher through the legislative session. Policy statements guide the actions of MACo Staff on other pieces of legislation/issues impacting local government.

Prior to the conference, all MACo members were emailed the proposed resolutions and policy statements and encouraged to virtually attend MACo’s committee meetings regardless of holding a position on the committee.

MACo’s Legislative Process: Resolutions originate from either MACo committees or counties during their district meetings. The Resolutions & Legislative Committee then assigns the resolutions to specific committees for in-depth review. Each committee is tasked with vetting the resolutions and making recommendations to the full membership, after which the members decide what to adopt. This action effectively sets MACo’s Policy Platform for the upcoming Legislative Session.

MACo’s committees presented their recommendations during the membership meeting on the final day of the 111th Annual Conference, October 1, 2020.
OPENING OF MACo MEMBERSHIP BUSINESS MEETING
Commissioner Shane Gorder, Richland County, MACo President
President Gorder called the business meeting of the 111th Annual Conference of the Montana Association of Counties to order at 11:30 a.m. and commenced with the Pledge of Allegiance.

ROLL CALL
Jason Rittal, MACo Deputy Director
Director Rittal called the roll and announced that a quorum was present to conduct business (see roll call attachment on page 15 for members present).

APPROVAL OF THE 2019 MINUTES – 110TH ANNUAL CONFERENCE
Commissioner Jim Hart, Madison County, made a motion to approve the minutes, which was seconded by Commissioner Greg Chilcott, Ravalli County. The motion passed unanimously.

ANNOUNCEMENT, ACCEPTANCE & CLOSING OF NOMINATIONS FOR MACo OFFICERS
Commissioner Shane Gorder, Richland County, MACo President
President Gorder announced that the Board of Directors, acting as the Nominations Committee, bring forth the candidates for the 2020-2021 term as follows:

- Office of Immediate Past President: Commissioner Shane Gorder, Richland County
- Office of President: Commissioner Doug Martens, Rosebud County
- Office of 1st Vice President: Commissioner Jason Strouf, Custer County
- Office of 2nd Vice President: Commissioners Sidney Fitzpatrick, Big Horn County; Dennis Zander, Dawson County; and Roman Zylawy, Mineral County
- Office of Fiscal Officer: Commissioner Mike McGinley, Beaverhead County

President Gorder asked if there were further nominations for the office of MACo 2nd Vice President and/or Fiscal Officer, to which there were none. Nominations were closed, and the 2nd Vice President candidates were invited forward to speak to the membership.

2ND VICE-PRESIDENT CANDIDATE SPEECHES
Commissioners Sidney Fitzpatrick, Big Horn County; Dennis Zander, Dawson County; and Roman Zylawy, Mineral County
Commissioner Fitzpatrick said that he would work to bring diversity and cooperation with other counties to ensure integrity in the 2nd Vice President position. Commissioner Zander expressed that he would represent at the local and state level, serving all of Montana Counties. Commissioner Zylawy stated his desire to help bridge Montana’s East and West issues and help commissioners have a larger voice at higher levels of government while the discussion is happening and before the decisions are made.
ELECTION OF MACo OFFICERS

MACo 2nd Vice President & Fiscal Officer

Because there were no further nominations for MACo Fiscal Officer, the ballot included only the 2nd Vice President candidates. Counties were instructed by MACo Staff to submit their county’s collective vote (one vote per county) via email or text. Details of both communication options were announced, and the counties commenced casting their virtual ballots until the close of the election later in the day.

CONVENTION SITE 2021

Commissioner Shane Gorder, Richland County, MACo President; and Flathead County Commissioners

President Gorder invited the Flathead County Commissioners to speak to the membership, at which time Commissioners Pam Holmquist and Randy Brodehl announced that MACo 112th Annual Conference in 2021 would be held in Kalispell at the Hilton Garden Inn. They stated that they are looking forward to seeing everyone in person.

PRESIDENT’S REPORT

Commissioner Shane Gorder, Richland County, MACo President

President Gorder thanked the MACo Staff and expressed his gratitude for their support. He also thanked everyone for the opportunity to have served as MACo’s President, which he said has truly been an honor and a year he won’t forget.

Due to the pandemic, MACo’s tour around the state for district meetings was cancelled, and the meetings were conducted virtually instead. President Gorder was disappointed that he was unable to visit with folks and discover more about their respective areas, but he is grateful for the other opportunities of which he was able to represent Montana’s counties.

President Gorder then spoke about his presidential initiative: All-Terrain Vehicle (ATV) Safety. He presented a resolution, in honor of his son Brodie, whose life was taken in an ATV accident. The resolution promotes ATV safety across Montana, as every county in Montana has a story about the loss of a life in their area. President Gorder stated that it is his goal to see every county adopt the resolution and help raise awareness to addressing this important issue.

FISCAL OFFICER’S REPORT

Commissioner Mike McGinley, Beaverhead County, MACo Fiscal Officer

Commissioner McGinley spoke to the MACo Membership about the recent MACo audit from JPS. He stated that it was a clean audit that anyone could review upon request.

EXECUTIVE DIRECTOR’S REPORT

Eric Bryson, MACo Executive Director

Director Bryson thanked the membership for being actively involved in MACo’s first virtual conference and began his report with an operations update. MACo reorganized due to a decrease in revenue from the workers’ compensation program, which resulted in a 25% reduction in MACo Staff.

Regarding the pandemic, MACo became more virtual but lost little in terms of productivity, because the systems were already in place. The office is closed to the public, but staff are allowed inside the building. He stated that if members would like to stop by, just contact Staff prior.

Director Bryson emphasized that MACo is a member services organization and that our priority is being responsive to the needs of our membership. He would like members to let us know if we’re not meeting their needs and/or expectations.
MACo Committee Reports

MACo Committee Chairs/Vice Chairs
Committee Chairs were invited to report on the actions of their committees and their recommendations to the membership.

MACo Agriculture Committee
Commissioner Larry Hendrickson, Liberty County
Chair Hendrickson reported on the resolution assigned to the Agriculture Committee: Revise Definition of Wild Buffalo & Wild Bison, which is a previous resolution from 2018, and is sponsored by Garfield County (District 2). The intent is to clarify that to be considered wild bison or wild buffalo means to never have been subject to livestock tax. The committee recommended a “Do Pass.”

Regarding policy statements, Chair Hendrickson informed the membership that the committee made no updates.

MACo Community, Economic Development & Labor Committee
Commissioner Nicole Borner, Musselshell County
Chair Borner reported on the two resolutions assigned to the Community, Economic Development & Labor Committee:

1. Establishing a More Equitable Number & Geographical Distribution of Dispatch Cities, sponsored by the committee (originating from Custer & Richland Counties): The purpose of the resolution is to seek legislation to mitigate or eliminate the arbitrary adverse impacts to local capital project costs in some areas of Montana as a result of the designation of, location of, and number of currently designated dispatch cities. The committee recommended a “Do Pass.”

2. Leasing of County Property, sponsored by Missoula County (District 11): The purpose of the resolution is to allow for leasing greater than 10 years. The committee recommended a “Do Pass.” This resolution was also assigned to the Land Use, Planning & Development Committee for review.

Regarding their policy statements, Chair Borner informed the membership that the committee added one item:

#16 – MACo supports requiring county participation in any decisions surrounding abatement of county property taxes or other county taxes. Tax abatements can be a critical tool in attracting investment into counties, but tax abatements and the projects requesting them have varying impacts at the local level and thereby local officials should be integral in the decisions surrounding them.

MACo Energy Committee
Commissioner Doug Martens, Rosebud County
Chair Martens reported that the Energy committee was assigned no resolutions, so they primarily worked on their policy statements, amending two:

#8 – MACo supports the siting and permitting regulations of new wind, RENEWABLE/ALTERNATIVE ENERGY projects to remain at the county level of government.

#9 – MACo supports legislative and/or budgetary relief that speeds the permitting and siting process for new transmission lines, PIPELINES, COAL MINES, OIL WELLS, AND OTHER NATURAL RESOURCE DEVELOPMENT through REGULATORY AGENCIES the Department of Environmental Quality, in cooperation and coordination with impacted counties.
MACo Health & Human Services Committee
Commissioner Carl Seilstad, Fergus County

Chair Seilstad reported on the resolution assigned to the Health & Human Services Committee that came with a “Do Not Pass” recommendation from the Resolutions & Legislative Committee: Allow for 72 Hours of Temporary Detention, sponsored by Gallatin County (District 9).

MACo Executive Director, Eric Bryson, provided an explanation for the original “Do Not Pass” recommendation: The resolution was not presented to the Resolutions & Legislative Committee in a way that explained the intent of the resolution. This resolution is in no way intended to incarcerate those with mental health issues. It’s about custodial care 72-hours prior to the formal petition process and precommitment diversion opportunities, and it’s intended to be optional.

Chair Seilstad then stated that the committee recommended that Staff draft amendments to reflect the intent—it could then be segregated and presented for discussion at the membership meeting. The resolution was also assigned to the Justice & Public Safety Committee for review.

Regarding their policy statements, Chair Seilstad informed the membership that the committee reviewed every statement and made several amendments and one addition:

#4 – MACo supports local public health departments in their efforts to improve and protect the health of every community by advancing strategies that strengthen the foundation, quality, and performance of local public health departments, and for THE STATE to provide adequate state funding for public health services that do not reduce county revenue sources.

#5 – MACo supports the Montana Indoor Clean Air Act, AND VAPING SHOULD BE INCLUDED IN THE DEFINITION.

#7 – MACo supports the need for the Legislature to define serious mental illness in conjunction with the detention CUSTODY of the mentally ill. Further, there is an urgent need for the Legislature to provide financial assistance relative to the detention of to the seriously mentally ill.

#10 – MACo supports providing adequate funding to chemical dependency treatment programs AND DRUG TREATMENT COURTS throughout the STATE AND IN THE JAIL AND PRISON SYSTEMS.

#16 – MACo supports Medicaid Expansion as long as there is sufficient federal and state funding to support the expansion WITH ADEQUATE MEANS TEST IN ORDER TO BE ELIGIBLE, AND BASIC COVERAGE ONLY.

#17 – MACo supports providing adequate state funding for comprehensive community-based Mental BEHAVIORAL Health Services.

#25 – MACO SUPPORTS THE CONTINUATION OF MEDICARE/MEDICAID BENEFITS FOR DETENTION CENTER INMATES PRIOR TO TRIAL.

MACo Justice & Public Safety Committee
Commissioner Kevin Krausz, Custer County

Vice Chair Krausz reported on the three resolutions assigned to the Justice & Public Safety Committee:

1. Allow for 72 Hours of Temporary Detention, sponsored by Gallatin County (District 9): The purpose was previously explained by Director Bryson during the Health & Human Services Committee update. The JPS committee recommended a “Do Pass.”

2. Physical Presence in Involuntary Commitment Proceedings, sponsored by Gallatin County (District 9): The purpose is to allow two-way audio-video appearances by all parties, because it can avoid unnecessary transport of individuals in mental health crises, protecting the health and safety of law enforcement officers and individual respondents. The committee recommended a “Do Pass.”
3. **Setting Deputy Sheriff Salaries**, sponsored by Missoula County (District 11): The purpose is to allow local governments more freedom to set salaries for deputy sheriffs covered by collective bargaining agreements. The committee recommended a “Do Not Pass; Incorporate into Policy Statements” (see #22 below).

Regarding their policy statements, Vice Chair Krausz informed the membership that the committee made several amendments and one addition to reflect their recommendation on the Deputy Sheriff Salaries resolution (#22):

#2 – MACo believes that DETENTION CENTER reimbursement rates should reflect actual costs for services.

#3 – MACo believes mental evaluations should be conducted in locally mental health treatment facilities, when available.

#13 – MACo supports a permanent and stable governance structure and funding for the administration of the public safety communications system in Montana.

#14 – MACo supports the statewide public safety communications system being based on current federal and state communications standards in which local, tribal, state, and Federal public safety and emergency management representatives can operate autonomously and transition seamlessly, to communicate effectively in an all-hazard emergency mission role.

#15 – MACo supports the statewide public safety communications system as a voluntary coalition of participating county governments, tribal nations and state agencies.

#18 – MACo supports the state’s funding of additional resources for the crime labs.

#19 – MACO SUPPORTS THE STATE’S FUNDING OF DIVERSION PROGRAMS, SPECIFICALLY FAMILY COURTS, DRUG COURTS, PRETRIAL SERVICES, AND YOUTH COURTS.

#20 – MACO SUPPORTS THE STATE’S FUNDING OF DRUG TASK FORCES.

#21 – MACO SUPPORTS THE STATE’S FUNDING OF VICTIM ADVOCACY PROGRAMS.

#22 – MACO SUPPORTS ALLOWING LOCAL GOVERNMENTS MORE FREEDOM TO SET SALARIES FOR DEPUTY SHERIFFS.

### MACo Land Use, Planning & Development Committee

Commissioner Jeff Burrows, Ravalli County

Chair Burrows reported on the three resolutions assigned to the Land Use, Planning & Development Committee:

1. **Leasing of County Property**, sponsored by Missoula County (District 11): The purpose is to allow for leasing for greater than 10 years. The committee amended the resolution to be up to 40 years and recommended a “Do Pass as Amended.” As stated previously, the resolution was also assigned to the Community, Economic Development & Labor Committee, and they recommended a “Do Pass.”
2. **Local Government Authority over Conservation Easements**, sponsored by Valley County (District 1): The purpose of the resolution is to authorize local governments in Montana to restrict conservation easements within their jurisdiction. The sponsor withdrew the resolution, so no recommendation was necessary.

3. **Public Notice & Participation Criteria for Requests for Extension of Subdivision Preliminary Plat Approvals**, sponsored by the LUPD Committee (originated in Ravalli County): The purpose is to amend the Montana Subdivision and Platting Act to include public notice and public participation criteria for requests for extension of subdivision preliminary plat approvals. The committee recommended a “Do Pass.”

Regarding their policy statements, Chair Burrows informed the membership that the committee made two amendments:

- **#18** – MACo believes that the State Department of Commerce should be the agency to coordinate planning among state, federal, regional, and local levels.

- **#23** – MACo supports water policy that continues to allow the de minimis use of exempt well water for agriculture, homes, and small businesses without the burden of the water right permitting process; and opposes changes to water policy that would unnecessarily increase the cost associated with accessing water; changes to water policy that limit the county’s ability to properly plan, zone for growth, or review and condition subdivision applications; changes to water policy that would negatively affect the county’s ability to meet Wildland Urban Interface requirements; and changes to water policy that may create added weed infestation in Montana.

Lastly, Tara DePuy, MACo Land Use Attorney, provided the committee with an update on the part 1 zoning—citizen-initiated zoning—litigation in Stillwater County. The debate is over what “affected real property owners” means. Stillwater county was arguing that it must include the subsurface mineral interest holders. The district court decided that “affected real property owners” means only the surface owners. Therefore, counties don’t have to include subsurface mineral interest holders in the petition process.

**MACo Public Lands Committee**

Commissioner Greg Chilcott, Ravalli County

Chair Chilcott reported on the two resolutions assigned to the Public Lands Committee:

1. **Local Government Special District Revenue**, sponsored by Prairie County (District 2): The purpose is to allow dedicated federal revenues to be directed towards special districts by a governing body. The committee recommended a “Do Pass.”

2. **Public Land Use Sustainability**, sponsored by Daniels County (District 1): The purpose is to authorize the State to reimburse counties for lost property taxes as a result of the acquisition of real property or property held in trust by either the State or Federal government. The committee’s “Do Pass” recommendation failed on a 7-10 vote, thereby making the resolution a “Do Not Pass” recommendation.

Regarding their policy statements, Chair Chilcott informed the membership that the committee made several amendments:

- **#1** – MACo believes the most basic principle that must be followed in all actions by state and federal agencies is early consultation, cooperation, and coordination with local county officials, as well as municipal and tribal officials, who have been elected to represent the concerns of those directly affected by public land management decisions WITHIN EACH OFFICIAL JURISDICTION.

- **#2** – MACo believes that environmental issues must be balanced with socioeconomic issues to achieve a policy, which allows not only a high degree of environmental protection, but also preserves and enhances local community sustainability. County officials and their constituents are keenly aware of the historical, economic, and aesthetic values of their local environment and they are certain of the need to prepare for
a sustainable future to assure the viability of their communities. Therefore, it is imperative that the federal and state governments work cooperatively with county and other local governments on such policies.

#25 – MACo supports the reorganization of Forest Service Management to reduce the layers upon layers of the organizational structure from four to three and supports clearly defining the Forest Service mission to get ENCOURAGE more “boots on the ground” projects.

#36 – MACo calls for full funding of federal payments for Secure Rural Schools (SRS), Payment in-Lieu of Taxes (PILT), Taylor Grazing, and Refuge Revenue Sharing programs to counties.

#37 – MACo supports the full funding of the PILT program and Refuge Revenue Sharing at its yearly authorized level and believes that all federal holdings should be included in the program.

#38 – MACo believes that shared natural resource payments to counties from activities such as timber sales, mineral leasing, grazing, and others are absolutely vital to county and school budgets.

#39 – MACo strongly opposes any effort to reallocate federal land payments to schools or the State of Montana, as has been proposed in previous state legislation.

#40 – MACo supports “round table” discussions between Montana’s Congressional Delegation, Montana Counties, and the National Association of Counties to review the current PILT formula and to propose changes to the PILT formula that would benefit Montana counties in a more equitable fashion.

#36 – MACO SUPPORTS, ON A BASIS EQUITABLE TO BOTH THE FEDERAL AND LOCAL TAXPAYER, TO PROVIDE FOR PAYMENTS TO COMPENSATE STATES AND LOCAL GOVERNMENTS FOR BURDENS CREATED AS A RESULT OF THE IMMUNITY OF FEDERAL LANDS FROM STATE AND LOCAL TAXATION; EXAMPLES OF PAYMENT PROGRAMS INCLUDE BUT ARE NOT LIMITED TO REFUGE REVENUE SHARING, SECURE RURAL SCHOOLS (SRS), PAYMENT-IN-LIEU-OF-TAXES (PILT), TAYLOR GRAZING, BANKHEAD-JONES, AND THE TAYLOR GRAZING ACT.

#37 – MACO BELIEVES THAT ADDITIONAL PAYMENTS SHOULD BE MADE TO COUNTIES FOR FEDERAL NATURAL RESOURCE EXTRACTION AND USE DUE TO ADDITIONAL IMPACTS ON LOCAL GOVERNMENT SERVICES AND INFRASTRUCTURE. FURTHERMORE, MACO SUPPORTS MONETARY COMPENSATION TO COUNTIES FOR THE LACK OF NATURAL RESOURCE USE OR EXTRACTION WHEN DEMAND FOR THE RESOURCE EXISTS.

MACO RESOLUTIONS & LEGISLATIVE COMMITTEE

Commissioner Doug Martens, Rosebud County

Chair Martens reported on the two resolutions assigned to the Resolutions & Legislative Committee:

1. Allow County Officers Office Locations to be Determined by Resolution, sponsored by Flathead County (District 10): The purpose is to allow county offices for county officers to be determined by resolution of the county commission. Currently all officers, except justices of the peace are required to keep their offices at the county seat. The committee recommended a “Do Pass.”
2. **Allow Tax Assessment for Collecting Fees for Operation Expenses Related to Water & Sanitary RSIDs and MSSDs**, sponsored by Dawson County (District 2): The purpose is to clarify that counties may assess operational costs incurred or billed to counties via tax assessments for water and sanitary RSIDs and MSSDs. This Resolution only applies to operations for water and sanitary RSIDs and MSSDs. Other types of RSIDs may still assess for building, constructing, acquiring by purchase and maintenance of RSIDs pursuant to 7-12-2101 and 7-12-2108. Operations are direct costs to the county such as wages, supplies and materials incurred by the county. The committee recommended a “Do Pass.”

Regarding their policy statements, Chair Martens informed the membership that the committee added two items:

#5 – **MACO SUPPORTS REQUIRING BALLOTS BE RECEIVED BY 8 P.M. ON ELECTION DAY.**

#10 – **MACO SUPPORTS COUNTY GOVERNMENTS BEING ABLE TO USE COOPERATIVE PURCHASING CONTRACTS LET BY A PUBLIC PROCUREMENT UNIT OR JOINT OR MULTIPARTY CONTRACTS BETWEEN PUBLIC PROCUREMENT UNITS.**

**MACo Tax, Budget & Finance Committee**

Commissioner Mike McGinley, Beaverhead County

Chair McGinley reported on the five resolutions assigned to the Tax, Budget & Finance Committee:

1. **30-day Comment Period Prior to Exempt Status**, sponsored by Lake County (District 10): The purpose is to require a 30-day comment period by the affected county prior to a property being moved to exempt status by the Montana Department of Revenue. The committee recommended a “Do Pass.”

2. **Collection of Centrally Assessed Coal Gross Proceeds Taxes**, sponsored by Big Horn County (District 7): The purpose is to authorize the collection of centrally assessed gross proceed taxes upon the State of Montana and the payment of the anticipated proceeds of those taxes by the State of Montana to the local entities who would receive them. The committee recommended a “Do Pass.”

3. **Define Small or Utility Scale Solar Farm**, sponsored by Beaverhead Co. (District 12): The purpose is to clarify the definition of a “small power production facility” and specify that said facilities shall be classified taxable as Class 13 property. The Committee amended the “Now, therefore be it resolved” paragraph to remove verbiage regarding including a minimum of 1 mile separation between individual facilities. They then recommended a “Do Pass as Amended.”

4. **Disposal of Property at Public Auction**, sponsored by Dawson County (District 2): The purpose is to establish legislation to remove the minimum appraised value provision for properties that failed at tax deed sale and enable the County Commission to determine or negotiate a sales price. The committee recommended a “Do Pass.”

5. **Local Option Motor Fuel Excise Tax**, sponsored by Gallatin County (District 9): The purpose is to allow local governments to implement the local option motor fuel excise tax at the distributor rather than retail level. The committee recommended a “Do Pass.”

Regarding their policy statements, Chair McGinley informed the membership that the committee added one item:

#18 – **MACO SUPPORTS ALLOWING COUNTIES TO BE INVOLVED IN DETERMINING TAX CLASSIFICATION FOR NEW AND EXPANDING INDUSTRIES IN MONTANA.**

**MACo Transportation Committee**

Commissioner John Ostlund, Yellowstone County

Chair Ostlund reported on the two resolutions assigned to the Transportation Committee.

1. **Dissolution of Rural Special Improvement Districts**, sponsored by Lewis & Clark Co. (District 8): The purpose is to provide for a clear and clean mechanism for dissolution of rural special improvement districts. The committee recommended a “Do Pass.”
2. *Setting Speed Limits*, which is similar to the 2018 resolution and is sponsored by Missoula County (District 11): The purpose is to allow counties to set speeds at less than 35 MPH on paved roads in suburban subdivisions when warranted by an engineering investigation. The committee recommended a “Do Pass.”

Regarding their policy statements, Chair Ostlund informed the membership that the committee added one item:

#12 – *MACO SUPPORTS THE REASONABLE DEVELOPMENT AND LONG-TERM AVAILABILITY OF SITES FOR PUBLIC SOURCE MATERIALS FOR USE IN PUBLIC PROJECTS*

**REVIEW & ADOPTION OF MACo PROPOSED RESOLUTIONS & POLICY STATEMENTS**

Commissioner Doug Martens, Rosebud County, Chair of the Resolutions & Legislative Committee

MACo resolutions were voted on in blocks based on the recommendations they were given by the respective committees to which they were assigned: “Do Pass,” “Do Pass as Amended,” “Do Not Pass,” and “Do Not Pass—Incorporate into Policy Statements.” MACo policy statements were voted on in their own block.

Members were permitted to segregate individual resolutions from any category as well as any policy statements for further discussion and reconsideration.

**PROPOSED RESOLUTIONS**

Chair Martens began by calling for a motion to adopt President Gorder’s Resolution regarding ATV Safety. Commissioner Larry Hendrickson, Liberty County, made the motion, and it was seconded by Commissioner Tom Rice, Beaverhead County. Motion passed unanimously.

**Do Pass**

Segregated for Further Discussion and Reconsideration:

1. *Disposal of Property at Public Auction* was segregated by Commissioner Pam Holmquist, Flathead County.

Remaining Resolutions in “Do Pass” Category:

A motion to approve of the committee recommendations of the remaining resolutions with “Do Pass” recommendations—thereby adopting these resolutions—was made by Commissioner John Ostlund, Yellowstone County. The motion was seconded by Commissioner Mike McGinley, Beaverhead County. Motion passed unanimously.

**Do Pass as Amended**

Segregated for Further Discussion and Reconsideration:

1. *Allow for 72 Hours of Temporary Detention* was segregated by Commissioner Carl Seilstad, Fergus County.

Remaining Resolutions in “Do Pass as Amended” Category:

A motion to approve of the committee recommendations of the remaining resolutions with “Do Pass as Amended” recommendations—thereby adopting these resolutions as amended—was made by Commissioner McGinley. The motion was seconded by Commissioner Denis Pitman, Yellowstone County. Motion passed unanimously.
Do Not Pass
Segregated for Further Discussion and Reconsideration:

1. Public Land Use Sustainability was segregated by Commissioner Mikel Lund, Daniels County.

There were no other resolutions that came out of committee with a “Do Not Pass” recommendation.

Do Not Pass—Incorporate into Policy Statements
The one resolution in this category—Setting Deputy Sheriff Salaries—was not segregated.

A motion to approve of the committee recommendation to not pass the resolution and instead incorporate language into the Justice & Public Safety Committee’s Policy Statements was made by Commissioner Kevin Krausz, Custer County. The motion was seconded by Commissioner Gary Macdonald, Roosevelt County. Motion passed unanimously.

Segregated Resolutions
After completing their action on the resolutions that were not separated for further review, the membership moved on to discuss and reconsider the segregated resolutions.

1. Disposal of Property at Public Auction
Commissioner Holmquist requested the membership consider adding other assets from the county into the resolution.

MACo Executive Director, Eric Bryson, responded that in the 2013 or 2015 Legislative Session, the Legislature made a conscious effort to separate out the disposal of personal property versus real property, and that this resolution deals with real property in the way the legislature prescribed. Counties’ flexibility on personal property is found in MCA 7-8-2211, and the restrictions aren’t as stringent. Counties can sell personal property for less than an appraised value at a public auction.

Commissioner Holmquist withdrew her request.

A motion to pass the resolution—thereby adopting it—was made by Commissioner Seilstad. The motion was seconded by Commissioner Jerry Collins, Garfield County. Motion passed unanimously.

2. Allow for 72 Hours of Temporary Detention
Commissioner Seilstad stated that even with the amendments Staff brought forward, he still had concerns. Amendments included changing “detention” to “hold” throughout the resolution and adding language regarding holding “in an appropriate crisis stabilization facility.” He asked that safeguards be added for the counties that don’t have crisis facilities, as they are responsible for the transport. He also had questions about who makes the decision.

Director Bryson clarified the intent is that this would be a pre-court determination, requiring a mental health professional to make a recommendation and then an arresting agency to place the individual for 72 hours. He stated that it is currently required that—if ordered by the court—the Sheriff’s Office must transport the individual and that in-custody supervision is mandatory if the mental health professional has the individual in a hospital for evaluation purposes.

Commissioner Joe Skinner, Gallatin County, made a motion to amend the resolution to show that this was just an available option and not a requirement and that the county would have to pass a resolution to utilize this option. Commissioner Pitman seconded the motion. Motion passed unanimously.

Commissioner Don Seifert, Gallatin County, made a motion to pass the resolution as amended. Commissioner Larry Hendrickson, Liberty County, seconded the motion. Motion passed with one county voting no.
3. Public Land Use Sustainability

Commissioner Lund stated that he was unable to be present for the meeting when this resolution was presented. He segregated it to speak to the resolution and respectfully ask for reconsideration by the membership. Commissioner Lund believes a policy statement in the Tax, Budget & Finance section is applicable Daniels County’s situation and is applicable to what the resolution is addressing: #8: MACo supports state reimbursement to counties for lost property taxes as a result of the state’s acquisition of real property. Commissioner Lund explained that the intent of the resolution is to create a new program that would support the impacted counties.

There were several members concerned about potential impacts to other funds. After much discussion, it was offered forward that if other funds became part of the conversation, then MACo Staff would be able to withdraw.

Commissioner Lund made a motion to pass the resolution with the aforementioned caveat, and Commissioner Todd Devlin, Prairie County, seconded the motion. The motion passed on a 21-15 vote.

PROPOSED AMENDMENTS TO POLICY STATEMENTS

Upon completion of the resolution portion of the afternoon, Chair Martens asked if there were any policy statement segregation requests.

SEGREGATED POLICY STATEMENTS

Health & Human Services Policy Statements

1. Commissioner Pitman segregated #23:

#23 – MACo supports language to protect public health regarding the sale of raw milk and raw milk products for human consumption.
Commissioner Brodehl made a motion to strike #23 from the Health & Human Services Policy Statements. Commissioner Don Jones, Yellowstone County, seconded the motion.

The discussion revolved around raw milk being a very contentious issue at the Legislature and that MACo shouldn’t be involved. Motion passed unanimously.

2. Commissioner Seilstad segregated #25:

   * #25 – MACo supports the continuation of Medicare/Medicaid benefits for detention center inmates prior to trial ADJUDICATION.*

Commissioner Seilstad made a motion to amend #25, replacing “trial” with “adjudication.” Commissioner Krausz seconded the amendment. Motion passed unanimously.

No other policy statements were segregated.

**Remaining Policy Statements**
Commissioner Carol Brooker, Sanders County, made a motion to accept the remaining policy statements. Commissioner Hart seconded the motion. Motion passed unanimously.

**RESULTS OF ELECTION FOR MACo OFFICERS**
Commissioner Shane Gorder, Richland County, MACo President

**MACO PRESIDENT, FIRST VICE PRESIDENT, IMMEDIATE PAST PRESIDENT, AND FISCAL OFFICER**
Commissioner Richard Dunbar, Phillips County, made a motion to cast a unanimous ballot to move forward Commissioner Doug Martens, Rosebud County, as MACo President; Commissioner Jason Strouf as 1st Vice President; Commissioner Shane Gorder, Richland County as Immediate Past President; and Commissioner Mike McGinley, Beaverhead County, as Fiscal Officer. Commissioner Gary MacDonald, Roosevelt County, seconded the motion. Motion passed unanimously.

**MACo 2ND VICE PRESIDENT**
Upon the close of the election for MACo’s 2nd Vice President, the votes were tallied. MACo’s Bylaws state that the elections are governed by the rule of majority: The winning candidate must receive over 50% of the entire votes cast. It was announced that regarding the Office of 2nd Vice President, no candidate received this majority, so following MACo’s Bylaws, a second election was conducted with the nominee receiving the lowest number of votes being removed from the ballot. The second virtual ballot included Commissioner Fitzpatrick and Commissioner Zylawy, with Commissioner Zander having been removed.

Upon completion of the second election, the votes were tallied, and President Gorder announced that Commissioner Zylawy was elected as MACo’s 2nd Vice President for 2020-2021.

**INSTALLATION OF OFFICERS**
Commissioners Shane Gorder, Richland County, MACo President; and Jim Hart, Madison County, MACo Immediate Past President
President Gorder conducted the swearing-in for Commissioner Doug Martens, Rosebud County, as MACo’s President for the 2020-2021 term.

Past President Hart thanked President Gorder for his service, also acknowledging the recent challenges brough about by the pandemic. He then proceeded to swear in MACo’s 2020-2021 Officers:

- MACo Immediate Past President, Commissioner Shane Gorder, Richland County
- MACo 1st Vice President, Commissioner Jason Strouf, Custer County
- MACo 2nd Vice President, Commissioner, Roman Zylawy, Mineral County
- MACo Fiscal Officer, Commissioner Mike McGinley, Beaverhead County
OTHER BUSINESS
The membership had no further business.

ADJOURN
MACo’s 111th Annual Conference adjourned.

MACo’s 2020-2021 EXECUTIVE COMMITTEE

MACo’s 2020-2021 Executive Committee (from left to right): MACo President, Commissioner Doug Martens, Rosebud County; Urban Counties Representative, Commissioner Denis Pitman, Yellowstone County; Fiscal Officer, Commissioner Mike McGinley, Beaverhead County; 1st Vice President, Commissioner Jason Strouf, Custer County; Immediate Past President, Commissioner Shane Gorder, Richland County; MACo 2nd Vice President, Commissioner Roman Zylawy, Mineral County (participating virtually, he is pictured on the screen above).

(Immediate Past President Gorder is swearing-in President Martens, and Past President Jim Hart, Madison County Commissioner, is swearing-in the remaining members of the Executive Committee.)
<table>
<thead>
<tr>
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<tr>
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MONTANA ASSOCIATION OF COUNTIES
BYLAWS

ARTICLE I
NAME, MISSION AND OBJECTIVES

Section 1. NAME
This organization shall be known as the Montana Association of Counties (MACo), hereinafter referred to as the “Association.” The principal office shall be in Helena, Montana.

Section 2. MISSION
The general purpose of this organization is to promote the voluntary cooperation and coordination of the sovereign counties of the State of Montana.

Section 3. OBJECTIVES
The objectives of the Association will be to:
   a) Do all things necessary and proper for the benefit of the counties of this state; and
   b) Provide a forum for discussions of subjects vital to the operation of county government; and
   c) Establish and maintain lines of communication with the executive and legislative branches of both the state and federal government; and
   d) Present and promote legislation which county officials believe to be beneficial to citizens, counties, and the state and oppose legislation which county officials believe to be detrimental thereto; and
   e) Maintain a permanent organization dedicated to securing cooperation among counties; and
   f) Maintain a statewide central office, with staff to coordinate the programs of the association; and
   g) Collect, compile, and distribute information about county government to county, state, federal officials and Montana League of Cities and Towns; and
   h) Initiate litigation in the name of the Association and its members to determine rights or liabilities of county officials under any constitutional provision or statute, and appear as a friend of the court (amicus curiae) in any court proceedings wherein such rights or liabilities are to be determined; and
   i) Appoint or employ counsel for the purpose of furthering any of the objectives of this Association mentioned herein.

ARTICLE II
MEMBERSHIP

Section 1. MEMBERS
Members shall be the elected officials of those counties, which have paid their annual dues in accordance with a schedule of dues or assessments adopted by the Board of Directors and ratified by the membership. Members shall be entitled to all services offered by the Association.

Section 2. VOTING
Each member county, pursuant to Section 1, has one vote. The Board of County Commissioners shall appoint one county delegate and one alternate to have the authority to vote for that member county at membership meetings of the Association. The voting delegate and alternate must be elected county officials. A member county’s registered voting delegate may vote by proxy at any meeting of the membership. The proxy must be in writing and signed by the voting delegate or alternate and shall name the person to whom the proxy is delegated and the subject for the vote(s). The proxy must be delivered to
the President prior to voting action being taken.

Section 3. **AFFILIATE MEMBERS**
Affiliate members are organizations and agencies that make proper application, are approved for membership by the Executive Director, and pay dues adopted by the Board of Directors. Affiliate members shall be entitled to receive services as determined by the Board of Directors. They shall have no floor or voting privileges.

Section 4. **ASSOCIATE MEMBERS**
Associate members are individuals and businesses that make proper application, are approved for membership by the Executive Director, and pay dues accordingly. Associate members shall be entitled to receive services as determined by the Board of Directors. They shall have no floor or voting privileges.

Section 5. **TERMINATION**
Any member county that fails to pay its annual dues or assessment within 45 days of the billing date, July 1, shall have its membership terminated, unless prior written request for payment at a later date has been approved by the Board of Directors.

**ARTICLE III**
**OFFICERS AND EXECUTIVE COMMITTEE**

Section 1. **OFFICERS**
The officers are the President, First Vice President, Second Vice President, Urban County Representative, Fiscal Officer and the Immediate Past President, all of whom must be qualified and acting commissioners of member counties. The officers shall serve as the Executive Committee. These officers will be elected at the annual conference by the membership. They shall hold office until their successors are elected and qualified, so long as they shall remain in county office as county commissioners.

Section 2. **DUTIES AND RESPONSIBILITIES OF THE OFFICERS**

a) **PRESIDENT**
The President shall:
1. preside at all general and special meetings of the Association, the Board and Executive Committee; and
2. provide the general supervision of all business of the Association in conjunction with the Executive Committee; and
3. appoint all committee members that shall serve during his/her administration; and
4. serve as an ex-officio, non-voting member of all committees.

b) **VICE PRESIDENTS**
The Vice Presidents shall consult with, counsel, and advise the President; and, in the absence of the President, his or her duties shall be performed successively by the First and Second Vice Presidents.

c) **FISCAL OFFICER**
The Fiscal Officer shall:
1. oversee the financial affairs of the Association; and
2. make a complete report to the membership at each conference; and
3. make monthly reports available to members on request; and
4. recommend appropriate investments for the Association’s idle funds; and
5. counsel with the Executive Director and the budget and finance committee on the framing of the Association’s budget; and
6. review proposals for public or private grants to assure that the fiscal needs of the Association are met.

The fiscal officer shall be elected to a two-year term following nominations and elections in odd numbered years.

d) URBAN COUNTY REPRESENTATIVE
A county having a taxable value of over $50,000,000 and a population of over 35,000 shall be designated as an Urban county. The Urban County representative shall consult with, counsel and advise the president. The current Urban county representative shall call a caucus of the Urban counties during the annual conference, for the purpose of selecting an Urban County Representative.

Section 3. OFFICERS' VACANCIES

a) PRESIDENT - A vacancy in the Presidency shall be filled by the First Vice President. The First Vice President shall serve out the unexpired portion of the previous president's term plus the year representing that in which he or she would have succeeded to the Presidency; or

If the First Vice President declines the appointment, then the past president shall make an appointment to fill the vacancy subject to the approval of the Board of Directors. Said appointee shall serve out the unexpired portion of the President's term and then move into the past presidency.

The First Vice Presidency shall be filled by the appointment of the Second Vice President. The Second Vice President shall serve out the unexpired portion of the previous First Vice President's term plus the year representing that in which he or she would have succeeded to the First Vice Presidency; or

If the Second Vice President declines the appointment to First Vice President, then the Past President shall make an appointment to fill the vacancy subject to the approval of the Board of Directors. Said appointee shall serve out the unexpired portion of the First Vice President's term. Said appointee may be nominated and run for the office of the President at the next annual conference.

The Second Vice Presidency shall be filled by an appointment by the Past President subject to the approval of the Board of Directors. Said appointee shall serve out the unexpired portion of the Second Vice President's term. Said appointee may be nominated and run for the office of the First Vice President at the next annual conference.

b) FIRST VICE PRESIDENT - A vacancy in the First Vice Presidency shall be filled by the Second Vice President. The Second Vice President shall serve out the unexpired portion of the First Vice President's term and then move into the Presidency; or

If the Second Vice President declines the appointment to First Vice President, then the President shall make an appointment to fill the vacancy subject to the approval of the Board of Directors. Said appointee shall serve out the unexpired portion of the First Vice President's term. Said appointee may be nominated and run for the office of the President at the next annual conference.

The Second Vice Presidency vacancy shall be filled by appointment by the President subject to the approval of the Board of Directors. Said appointee shall serve out the unexpired portion of the Second Vice President's term. Said appointee may be nominated and run for the office of the First Vice President.

c) SECOND VICE PRESIDENT - A vacancy in the Second Vice Presidency shall be filled by appointment by the President, subject to the approval of the Board of Directors. Said appointment may be nominated and run for the office at the next annual conference.

d) FISCAL OFFICER - A vacancy in the office of Fiscal Officer shall be filled by appointment by the President, subject to the approval of the Board of Directors.
e) **IMMEDIATE PAST PRESIDENT** - A vacancy in the Immediate Past Presidency shall be filled by the appointment by the President of the next most immediate Past President.

f) **MEMBER RATIFICATION OF APPOINTMENTS** - All of the above referenced appointments are subject to approval at the next annual conference by the membership of the Association.

g) **URBAN COUNTY REPRESENTATIVE** – An Urban County Representative vacancy shall be filled by appointment by the President subject to a recommendation made by a majority of the Urban Counties.

**Section 4. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE COMMITTEE**

a) The Executive Committee shall have general supervision, management and control of the business and property of the Association subject to the by-laws and to the policy established by the Board of Directors and the voting membership.

b) The Executive Committee shall have the power to determine Association policy on all legislative matters of concern within the guidelines established by the voting membership or the Board of Directors.

c) The Executive Committee shall serve as an Evaluation Committee for purposes of annually evaluating the performance of the Executive Director. Such evaluation shall be reported to the Board of Directors.

d) The Executive Committee shall set the salary of the Executive Director, with the concurrence of the MACo Board of Directors.

**Section 5. EXPENSES**

The members of the Executive Committee shall receive their necessary expenses incurred in their attendance of meetings approved by the President, with the exception of the meetings held at the annual conference or special meetings of the full Association.

**ARTICLE IV**

**BOARD OF DIRECTORS**

**Section 1. MEMBERS**

a) The Board shall consist of the four elected officers, the Immediate Past President, the Urban County Representative, Past Presidents of MACo who are serving as elected county officials, and the elected chairperson from each of the twelve regional districts specified in Article VIII.

b) In addition to the members identified in Subsection (a), other county elected official associations approved by the Board of Directors with no fewer than 29 county members may each designate a member to serve as a voting member on the Board.

**Section 2. MEETINGS**

The Board shall meet at least semi-annually on a date and at a time and place set by the Board, or on the call of the president. The Board may meet upon the written request of any five members of the Board. The request must state the purpose of the meeting and be mailed to all other Board members two weeks prior to the date for the meeting. A majority of the voting Board shall constitute a quorum.

**Section 3. DUTIES AND RESPONSIBILITIES**

The Board shall have the powers and duties to:

a) develop the policies of the Association within the guidelines set by the voting membership; and

b) establish a central office; and

c) employ an Executive Director; and
d) remove the Executive Director at any time after allowing adequate due process; and 

e) view and approve annually the Executive Director’s Staff Policy and Procedures Manual; and 

f) review and approve annually a budget sufficient to meet the needs of the Association; and 

g) prepare a schedule of services for members and affiliate members with recommended dues and assessments for each; and 

h) present recommended dues increases and assessments, if any, to the membership for approval and adoption; and 

i) at its discretion, increase the dues schedule in an amount up to the annual COLA in any one year—any increase above the annual COLA must be approved by the membership; and 

j) authorize an annual independent audit of the Association by a firm of certified public accountants; and 

k) function as the nominating committee and select candidates for the office of Second Vice President and Fiscal Officer. No candidate can be nominated and run for two offices simultaneously. Nominations may be made at district meetings of county commissioners and submitted to the Board; and 

l) amend the approved budget by a majority vote of the Board of Directors; and 

m) immediately disclose any conflict of interest prior to acting in any manner that may impinge upon their duty as a Board member, they shall also recuse themselves from any vote or decision involving said conflict.

Section 4. EXPENSES
The Board members and designees shall receive their necessary expenses incurred in their attendance of meetings, with the exception of those meetings held at the annual conference or special meetings of the full membership.

ARTICLE V
EXECUTIVE DIRECTOR

Section 1. DUTIES AND RESPONSIBILITIES
The Executive Director shall perform such duties as are assigned by the Board of Directors for implementing Association policy and shall be responsible to the Board. 

The Executive Director shall supervise the Association office and staff. The Board of Directors shall be responsible for an annual evaluation of the Executive Director.

The Executive Director shall compile, publish, and maintain a “Staff Policy and Procedures Manual,” which shall be reviewed annually by the Board of Directors.

The Executive Director shall maintain detailed job descriptions for all positions.

The Executive Director shall maintain a policy manual, containing all Board and operational policies.

The Executive Director shall be responsible for the hiring and termination of staff personnel consistent with the “Staff Policies and Procedures Manual.”

The Executive Director shall develop transition plans for the replacement of Key Executive Management Positions.

ARTICLE VI
STANDING COMMITTEES

Section 1. RESOLUTIONS AND LEGISLATIVE COMMITTEE
The Resolutions and Legislative Committee shall consist of at least five members. Members (one of whom shall be a member of the Board of Directors) are appointed by the President. The President shall select the chairperson. It shall be the duty of the Committee to develop resolutions and to receive resolutions from the Regional Districts and MACo staff. The Committee may consult other elected county officials to determine resolutions beneficial to county governments, and work with those officials to promote beneficial resolutions. The Committee shall examine resolutions to be placed before the membership for proper form and content and recommend priorities.

The Committee shall have legislation drafted as directed by resolutions approved by the membership at the annual conference or special meetings; and assist the Executive Director in securing sponsorship for the legislation. The Committee, together with the Executive Director, shall recommend to the Officers and the Board the response of the Association to all legislation affecting county government.

Section 2. **TAX, BUDGET AND FINANCE COMMITTEE**

The Tax, Budget and Finance Committee shall consist of at least five members. Members shall be appointed by the President subject to the approval of the Board of Directors. The Fiscal Officer shall serve as chairperson of the Committee. The Committee shall prepare and submit to the Board of Directors a proposed budget for the Association. The proposed budget shall provide adequately for all planned activities of the Association.

Section 3. **EXPENSES**

Members of Standing Committees shall receive their necessary expenses incurred in their attendance of meetings, as approved by the President, with the exception of meetings held at the annual conference or special meetings of the full membership.

**ARTICLE VII**

**OTHER COMMITTEES**

Section 1. **ESTABLISHMENT**

Special interest, ad hoc or problem-solving committees may be formed by the President, the Board of Directors or the general membership as needed.

Section 2. **EXPENSES**

Members of committees may receive their necessary expenses incurred in their attendance of meetings, as approved by the President, with the exception of meetings held at the annual conference or special meetings of the full membership.

**ARTICLE VIII**

**DISTRICTS**

Section 1. **DISTRICTS IDENTIFIED**

The counties of the state shall be grouped into twelve districts in conformance with the Governor's Administrative Districts, as follows:

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Section 2. DUTIES AND RESPONSIBILITIES
A Regional District shall have the authority and responsibility to call district meetings and adopt resolutions
directed to the attention of the Association. No District shall take action of record in the name of the
Association on any question involving the welfare of counties outside the Regional District except in the
form of a resolution to the Association.

Section 3. DISTRICT OFFICERS
The district officers shall be a chairperson and vice-chairperson elected by a majority vote of member
counties in each district. They shall be elected to an annual term at a district meeting prior to the annual
conference and take office immediately following the annual conference.

Districts shall be represented at Board of Directors meetings by the district chairperson, or the vice-
chairperson in the chairperson’s absence, or the chairperson’s designee when both the chairperson and
vice-chairperson are unable to attend a Board meeting, and that person shall have the power to vote on
issues at that meeting.

ARTICLE IX
ANNUAL CONFERENCE AND PROCEDURES

Section 1. DATE AND LOCATION
The date of the annual conference of this Association shall be in September. The location shall rotate
among counties with eligible facilities. Eligibility is to be confirmed by a physical visit by the Association
staff. The Conference Planning Committee shall make a recommendation to the Board of directors at their
June Board meeting, two (2) years prior to said conference

Section 2. ANNUAL CONFERENCE SITE SELECTION ELIGIBILITY GUIDELINES
The Conference Planning Committee shall develop requirements and guidelines for eligibility for Annual
Conference sites.

Section 3. REPORTS
The following individuals shall make their reports at the annual conference:
   a) The President; and
   b) The Fiscal Officer; and
   c) The Executive Director; and
   d) All committee chairpersons of standing committees and special committees; and
   e) NACo steering committee members.

Section 4. CONDUCT OF OFFICIAL BUSINESS
The official business of the Association shall be conducted in accordance with the most recent edition of
“Robert’s Rules of Order.”

Section 5. NOMINATIONS
   a) The Nominating Committee (see Article IV, Section 3 (K)) shall make its nominations report to the
      membership in the opening general session of the annual conference.
   b) The report shall not require a seconding motion but shall be adopted along with additional nomina-
      tions made from the floor.
   c) All nominations will remain open until the time of the election during the closing general session.
Section 6. **ELECTIONS**
The election of officers shall occur at the annual conference and be governed by the rule of majority – over 50% of the entire votes cast. The ballot will be repeated in the event of the failure of a candidate to receive a majority with the nominee receiving the lowest number of votes removed from the ballot for purposes of the subsequent vote of the members.

Section 7. **AMENDMENTS TO THE BY-LAWS**
These by-laws may be amended by a majority vote of the membership at a regular or a special meeting, a quorum being present. Proposed amendments must be submitted in writing to the President of the Association to be read and acted upon at a meeting for the full membership. Copies of said proposed amendment or amendments shall be made available to the general membership at least ten days prior to the convening of the meeting.

Section 8. **EFFECTIVE DATE**
These by-laws having been duly amended by a majority vote of the members cast at the 110th Annual Conference, held in Great Falls, MT on September 25, 2019. These by-laws will be effective upon the adjourning of the annual conference with all provisions for compliance in regard to the elected officers of the Association having been provided for by action on the floor of the Association.
• Always wear a helmet and other protective gear such as eye protection, boots, gloves, long pants and a long-sleeved shirt.
• Take a hands-on safety training course.

**WHEREAS,** the All-Terrain Vehicle Safety Institute® recommends the “The ATV Safety Institute’s Golden Rules,” that include the following:  

• Always wear a Department of Transportation (DOT) compliant helmet, goggles, long sleeves, long pants, over-the-ankle boots, and gloves.  
• Never ride on paved roads except to cross when done safely and permitted by law.  
• Never ride under the influence of alcohol or drugs.  
• Never carry a passenger on a single-rider ATV, and no more than one passenger on an ATV specifically designed for two people.  
• Ride an ATV that’s right for your age.  
• Supervise riders younger than 16.  
• Ride only on designated trails and at a safe speed.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of County Commissioners of _____________ County, State of Montana this _____ day of ________________, 202____ that:

1. _____________ County encourages and promotes safe use of all-terrain vehicles, especially by children.
2. _____________ County endorses the following rules of the trail to make safety a part of the plan for every ride and help reduce ATV-related deaths and injuries:
   
   • Do not drive ATVs on paved roads except to cross when done safely and permitted by law.
   • Ride an ATV that’s right for your age. Do not allow a child under 16 to drive or ride an adult ATV.
   • Supervise riders younger than 16.
   • Never carry a passenger on a single-rider ATV. Never carry more than one passenger on an ATV specifically designed for two people. Never ride as a passenger on a single-rider ATV. Never ride as a second passenger on an ATV specifically designed for two people.
   • Always wear a Department of Transportation (DOT) compliant helmet and other protective gear such as goggles or other eye protection, over-the-ankle boots, gloves, long pants, and long-sleeved shirts.
   • Take a hands-on safety training course.
   • Never ride under the influence of alcohol or drugs.
   • Ride only on designated trails and at a safe speed.
30-DAY COMMENT PERIOD PRIOR TO EXEMPT STATUS

It is the intent of the Montana Association of Counties to seek legislation to require a 30-day comment period by the affected county prior to a property being moved to exempt status by the Montana Department of Revenue (DOR).

WHEREAS, MCA 7-6-2527 provides authority for county commissioners to impose a property tax levy for any public or governmental purpose; and

WHEREAS, MCA 7-6-2501, provides authority to levy a tax annually on the taxable property of the county for county public or governmental purposes to defray expenses; and

WHEREAS, MCA 15-1-201 provides authority for the Department of Revenue to administer revenue laws; and,

WHEREAS, when fee status properties that qualify for exempt status are removed from property tax rolls, an additional tax liability is placed on remaining taxpayers in a district; and

WHEREAS, removing properties to exempt status may impact regulatory jurisdiction, real property taxes, special assessments, and fees which may not be exempted; and

WHEREAS, the county may have information related to the property not available to the Department of Revenue; and

WHEREAS, county commissioners do not receive written notice from the Montana Department of Revenue when properties in a county are moved to exempt status; and

NOW, THEREFORE BE IT RESOLVED that the Department of Revenue in each county is required to notify the commissioners in the affected county that a property has applied for exempt status and provide a 30-day comment period by the commissioners prior to the property being moved to exempt status.

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<tr>
<th>SPONSOR:</th>
<th>LAKE COUNTY</th>
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<td>RECOMMENDATION:</td>
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<tr>
<td>REFERRED TO:</td>
<td>MACO TAX, BUDGET &amp; FINANCE COMMITTEE</td>
</tr>
<tr>
<td>ADOPTED:</td>
<td>ANNUAL CONFERENCE – OCTOBER 1, 2020</td>
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</table>
ALLOW COUNTY OFFICER OFFICE LOCATIONS TO BE DETERMINED BY RESOLUTION

It is the intent of the Montana Association of Counties to amend laws pertaining to location of county offices to allow county offices for county officers to be determined by resolution of the county commission because currently all officers, except justices of the peace are required to keep their offices at the county seat.

WHEREAS, under M.C.A. 7-4-2211 county offices for county officers, except justices of the peace as set forth in 3-10-101, must keep their offices at the county seat; and

WHEREAS, limiting flexibility in determining the most appropriate and beneficial location may not allow for the most efficient governance; and

WHEREAS, available property within the jurisdiction of the county seat may be limited or cost prohibitive.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend the law by expressly authorizing county governments, via resolution, to establish the location of county offices for county officers outside of and superseding the restriction limiting the location to the county seat.

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<tr>
<th>Sponsor:</th>
<th>Flathead County</th>
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<tr>
<td>Recommendation:</td>
<td>Do Pass</td>
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<tr>
<td>Referred To:</td>
<td>MACO Resolutions &amp; Legislative Committee</td>
</tr>
<tr>
<td>Adopted:</td>
<td>Annual Conference – October 1, 2020</td>
</tr>
</tbody>
</table>
ALLOW FOR 72 HOURS OF TEMPORARY HOLD

It is the intent of the Montana Association of Counties to amend laws pertaining to the involuntary commitment of individuals in mental health crises to allow an affidavit for 72 hours of temporary hold in an appropriate crisis stabilization facility prior to the filing of a petition for commitment, because it can avoid unnecessary, lengthy court proceedings, reduce the occurrence of involuntary commitments, and produce better health outcomes for individuals in mental health crises.

WHEREAS, Montana and the nation are experiencing increases in the number of individuals in mental health crises; and

WHEREAS, M.C.A. §53-21-127 authorizes the civil involuntary commitment of individuals in a mental health crisis who are a danger to themselves or others or cannot meet their basic needs and refuse voluntary care; and

WHEREAS, a petition for involuntary commitment formally engages the legal system and leads to a lengthy court process; and

WHEREAS, many individuals in acute crisis will stabilize given adequate time; and

WHEREAS, once a petition for commitment is filed, an individual must engage in the court process even if they have stabilized, causing trauma for someone recovering from an acute mental health crisis and consuming valuable court resources; and

WHEREAS, a 72-hour temporary hold period, recommended by a licensed mental health professional, prior to the filing of a petition for commitment would allow time for patients to stabilize and enable clinicians to make more accurate assessments; and

WHEREAS, longer temporary hold periods are correlated with a lower probability of hospitalization and, when hospitalization occurs, a lower probability of involuntary hospitalization; and

WHEREAS, decreasing involuntary commitments saves local and state government resources and, when appropriate to avoid, produces better health outcomes for individuals in mental health crises.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend statutes to allow, with the recommendation of a mental health professional the option of an affidavit for 72 hours of temporary hold in an appropriate crisis stabilization facility prior to the filing of a petition for commitment. The county must authorize transport by resolution.

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<th>Sponsor:</th>
<th>Gallatin County</th>
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<tr>
<td>Recommendation:</td>
<td>Do Pass as Amended</td>
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<tr>
<td>Referred To:</td>
<td>MACO Health &amp; Human Services Committee; and MACO Justice &amp; Public Safety Committee</td>
</tr>
<tr>
<td>Adopted:</td>
<td>Annual Conference — October 1, 2020</td>
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</table>
ALLOW TAX ASSESSMENT FOR COLLECTING FEES FOR OPERATION EXPENSES RELATED TO WATER & SANITARY RSIDs AND MSSDs

It is the intent of the Montana Association of Counties to develop or revise statutory language that enables assessment of operational expenses directly related and essential to water and sanitary RSIDs and MSSDs on tax bills.

WHEREAS, multiple statutes exist enabling districts to be formed by counties that may result in building, constructing, or acquiring by purchase water and sanitary systems, as well as maintenance and debt service; and

WHEREAS, MCA 7-12-2102 and 2108, which governs the creation and maintenance of Rural Improvement Districts, do not provide for collection of operational costs by either the county owning the system or a system owned by another jurisdiction and billed to the county;

WHEREAS, MCA 7-13-141, which governs Metropolitan Sanitary Sewer Districts provides for charges for operations of a system operated, controlled and under the jurisdiction of the MSSD but not for assessing those operations on tax bills or for operational costs incurred through an agreement with another local government treatment.

WHEREAS, at this point, the only method for collection by a county for operational costs of a system essential to the RSID or MSSD is through a monthly billing and not tax assessment.

WHEREAS, the inability to utilize the tax assessment process for collecting from benefitted lots, tracts, or parcels of land for the operational costs of or operations charges to a water and sanitary RSID or MSSD adds overhead cost and collection issues.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to clarify in statute that counties may assess operational costs incurred or billed to counties via tax assessments for water and sanitary RSIDs and MSSDs.

EXPLANATORY COMMENT: This Resolution only applies to operations for water and sanitary RSIDs and MSSDs. Other types of RSIDs may still assess for building, constructing, acquiring by purchase and maintenance of RSIDs pursuant to 7-12-2101 and 7-12-2108. Operations are direct costs to the county such as wages, supplies and materials incurred by the county.

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<th>SPONSOR:</th>
<th>DAWSON COUNTY</th>
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<td>RECOMMENDATION:</td>
<td>DO PASS</td>
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<tr>
<td>REFERRED TO:</td>
<td>MACo RESOLUTIONS &amp; LEGISLATIVE COMMITTEE</td>
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<tr>
<td>ADOPTED:</td>
<td>ANNUAL CONFERENCE – OCTOBER 1, 2020</td>
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COLLECTION OF CENTRALLY ASSESSED COAL GROSS PROCEEDS TAXES

It is the intent of the Montana Association of Counties to establish laws pertaining to collection of coal gross taxes that are centrally assessed by the State of Montana, but the burden of collection of which is placed on the counties.

WHEREAS, Montana Code Annotated [hereinafter MCA] 15-23-7 addresses Centrally Assessed Coal Gross Proceeds Taxes; and

WHEREAS, MCA 15-23-703 requires that the department of revenue to compute a tax roll based on the value of the coal gross proceeds reported to it by coal producers, which in turn the department will send to individual counties, who must then notify the coal producers causes unnecessary work; and

WHEREAS, the department is capable of collecting and distributing taxes paid on centrally assessed property (MCA 15-23-2) and sending notices of amounts due (MCA 15-23-4); and

WHEREAS, without citing any statutory authority the Chief Deputy of the Office of the Attorney General suggested that individual counties can enter into agreements to defer payment and gave an example of an agreement contemplated by the State of Montana, even though such an agreement would leave local entities such as counties and schools with a shortfall; and

WHEREAS, if the State of Montana believes an agreement with a delinquent taxpayer is in the best interests of the State it should leave local entities to bear the burden of being underfunded, but rather the State should take the burden of making sure the local entities are fully funded and the burden of collecting the delinquent taxes.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to authorize the collection of centrally assessed gross proceed taxes upon the State of Montana and the payment of the anticipated proceeds of those taxes by the State of Montana to the local entities who would receive them.
DEFINE SMALL OR UTILITY SCALE SOLAR FARM

WHEREAS 3.0 Acre of Land, hereafter referred to as "Land," is located at 1234 Main Street, Anytown, USA, and is owned by John Doe and Jane Smith, hereafter referred to as "Owners;"

WHEREAS the Land is situated in a location that is conducive to the installation of a small or utility scale solar farm, as defined by the Montana Public Utilities Commission and the Department of Natural Resources;

WHEREAS the installation of the solar farm will provide a sustainable source of energy for the community and will reduce the reliance on non-renewable energy sources;

NOW, THEREFORE, BE IT RESOLVED, that the Owners shall proceed with the installation of the solar farm on the Land, subject to the approval of the appropriate authorities.

Sponsor: John Doe

Recommendation: Approved

Referred To: All Parties Affected

Adopted: John Doe and Jane Smith

Resolution 2020-06
DISPOSAL OF PROPERTY AT PUBLIC AUCTION

It is the intent of the Montana Association of Counties to revise statutory language to remove the appraised value restriction for property which did not sell at a sale of tax-deed. If two attempts at tax deed sales fail, allow counties to dispose of property at a public auction without requiring a minimum value set by appraisal.

WHEREAS, MCA 7-8-2301 (4) indicates that if bids are not received at a sale of tax-deed land, the board shall order another auction sale of the land under this part within 6 months and may, if required by the circumstances, redetermine the sales price of the land determined in subsection (2); and

WHEREAS, MCA7-8-2301 (5) further indicates that if a bid is not received at the sale conducted under subsection (4), the board may dispose of the land as provided in Part 25; and

WHEREAS, PART 25, requires that an appraisal of the land be required if it has an estimated value of $20,000 or more and further states that the land may not be sold for less than the appraised value; and

WHEREAS, if a property goes unacquired during the tax deed bid process and is then restricted by MCA 7-8-25 the properties likelihood of sale is very low resulting in an ongoing burden for maintenance with no solution.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to remove the minimum appraised value provision for properties that failed at tax deed sale and enable the County Commission to determine or negotiate a sales price.

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<tr>
<th>SPONSOR:</th>
<th>DAWSON COUNTY</th>
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<tr>
<td>RECOMMENDATION:</td>
<td>Do Pass</td>
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<tr>
<td>REFERRED TO:</td>
<td>MACo TAX, BUDGET &amp; FINANCE COMMITTEE</td>
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<tr>
<td>ADOPTED:</td>
<td>ANNUAL CONFERENCE – OCTOBER 1, 2020</td>
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</table>
DISSOLUTION OF RURAL SPECIAL IMPROVEMENT DISTRICTS

It is the intent of the Montana Association of Counties to amend laws pertaining to dissolution of special districts.

WHEREAS, MCA 7-12-21, provides for the creation, maintenance, and operation of rural improvement districts in Montana; and

WHEREAS, Counties have converted varying entities and informal associations into the Rural Improvement Districts for maintenance and operating expenses allowed under the provisions of MCA 7-12-21, including road districts or road associations; and

WHEREAS, rural improvement districts in Montana have a well-established process for creation and management but not a clearly identified mechanism for dissolution, which can be confounding when road associations or road districts have been converted to Rural Improvement Districts.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend the law to provide for a clear and clean mechanism for dissolution of rural special improvement districts under MCA 7-12-21.

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<tr>
<th>SPONSOR:</th>
<th>LEWIS &amp; CLARK COUNTY</th>
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<td>RECOMMENDATION:</td>
<td>DO PASS</td>
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<tr>
<td>REFERRED TO:</td>
<td>MACO TRANSPORTATION COMMITTEE</td>
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<td>ADOPTED:</td>
<td>ANNUAL CONFERENCE — OCTOBER 1, 2020</td>
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</table>
ESTABLISHING A MORE EQUITABLE NUMBER & GEOGRAPHICAL DISTRIBUTION OF DISPATCH CITIES

It is the intent of the Montana Association of Counties to seek legislation that requires the Department of Labor to evaluate its selection process for naming dispatch cities in Prevailing Wage Rate determinations and at minimum add additional locations, namely in eastern Montana.

WHEREAS, Montana’s prevailing wage law applies to public works contracts above $25,000, entered into by counties; and

WHEREAS, the determination of prevailing wages, fringe benefits, and travel benefits all impact the cost of county contracts; and

WHEREAS, increases in costs to county public works contracts directly impacts county taxpayers; and

WHEREAS, within the four (4) Prevailing Wage Districts there exist seven (7) “Dispatch” cities from which Zone Pay and Travel Pay is determined

WHEREAS, each of Districts 1-3 have two dispatch cities and Zone 4 only one; and

WHEREAS, District 4 represents the largest geographical area of any District and has only one Dispatch city the impact on taxpayers in that region is disproportionate.

NOW, THEREFORE BE IT RESOLVED, that the Montana Association of Counties will seek legislation that mitigates or eliminates the arbitrary adverse impacts to local capital project costs in some areas of Montana as a result of the designation of, location of, and number of currently designated dispatch cities.

<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>MACO Community, Economic Development &amp; Labor Committee</th>
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<tr>
<td>(Originating County: Custer County &amp; Richland County)</td>
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<tr>
<td>Recommendation:</td>
<td>Do Pass</td>
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<tr>
<td>Referred To:</td>
<td>MACo Community, Economic Development &amp; Labor Committee</td>
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<tr>
<td>Adopted:</td>
<td>Annual Conference – October 1, 2020</td>
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</table>
LEASING OF COUNTY PROPERTY

It is the intent of the Montana Association of Counties to seek legislation to allow local governments more freedom to lease county owned land for specific purposes for up to 40 years.

WHEREAS, Montana Code Annotated (MCA) 7-8-2231 establishes authority for county governments to lease county property; and

WHEREAS, the board of county commissioners make a determination that the property is not necessary for the conduct of the county’s business; and

WHEREAS, county governments often work in conjunction with partners to develop projects to benefit the community; and

WHEREAS, county governments working with partners need the ability to lease property for more than 10 years to allow for partners to secure funding; and

WHEREAS, MCA imposes this restriction on counties but not municipalities.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend MCA 7-8-2231 to allow for leasing up to 40 years.

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<th>SPONSOR:</th>
<th>MISSOULA COUNTY</th>
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<td>RECOMMENDATION:</td>
<td>DO PASS AS AMENDED</td>
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<tr>
<td>REFERRED TO:</td>
<td>MACO LAND USE, PLANNING &amp; DEVELOPMENT COMMITTEE</td>
</tr>
<tr>
<td>ADOPTED:</td>
<td>ANNUAL CONFERENCE – OCTOBER 1, 2020</td>
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</table>
LOCAL GOVERNMENT SPECIAL DISTRICT REVENUE

It is the intent of the Montana Association of Counties to amend laws pertaining to financing for special districts to allow dedicated federal revenues to be directed towards special districts by a governing body.

WHEREAS, Montana Law, MCA 7-11-1024, provides for the financing of special districts in Montana and does not contain a provision where Counties can directly dedicate federal funds for the costs and expenses of the special district; and

WHEREAS, Counties are the direct recipients of certain federal funds to be used for specific governmental purposes; and

WHEREAS, Special Districts in Montana are often created to provide like services for the benefit of the people and property in the special district; and

WHEREAS, adding a provision allowing the governing board to direct federal funds to a special district may benefit the county, and the entire State of Montana, by not having the federal payment be considered a prior year payment and applicable offset for Payment in Lieu of Taxes.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend the law to expressly authorize local governments in Montana to direct eligible federal revenues to special districts.

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<th>SPONSOR:</th>
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<td>DO PASS</td>
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<td>REFERRED TO:</td>
<td>MACO PUBLIC LANDS COMMITTEE</td>
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<td>ANNUAL CONFERENCE – OCTOBER 1, 2020</td>
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</table>
LOCAL OPTION MOTOR FUEL EXCISE TAX

It is the intent of the Montana Association of Counties to amend laws pertaining to the local option motor fuel excise tax to allow implementation leveraging existing state-level infrastructure because it is inefficient for local governments to create similar infrastructure, and because taxing fuel at the retail level raises trade secret concerns for businesses.

WHEREAS, local government funding for transportation infrastructure consistently falls behind the increasing demand for maintenance, repair, and construction; and

WHEREAS, MCA 7-14-301 authorizes counties to impose a local option motor fuel excise tax; and

WHEREAS, MCA 7-14-302 allows counties to use such motor fuel excise tax for the construction, reconstruction, maintenance, and repair of public roads and streets; and

WHEREAS, MCA 7-14-301 requires the tax to be imposed on gasoline sold to the ultimate consumer within the county for use in motor vehicles operated on the public roads and highways of this state, and

WHEREAS, retailers have expressed that taxing at the level of the ultimate consumer instead of at the distributor level raises trade secret concerns for their business by providing compilations of information that have inherent economic value because they are not generally known or readily ascertainable by others; and

WHEREAS, the State of Montana currently collects a fuel tax at the distributor level through the general motor fuel excise tax and the Bridge and Road Safety and Accountability Act; and

WHEREAS, MCA 15-70-124 authorizes the State of Montana to make agreements with other governmental entities relating to the administration and taxation of gasoline (although counties are not listed at this time).

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend statutes to allow local governments to utilize the State of Montana’s administrative infrastructure to implement the local option motor fuel excise tax at the distributor level.

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<th>SPONSOR:</th>
<th>GALLATIN COUNTY</th>
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<td>RECOMMENDATION:</td>
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<td>REFERRED TO:</td>
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<td>ADOPTED:</td>
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</table>
PHYSICAL PRESENCE IN INVOLUNTARY COMMITMENT PROCEEDINGS

It is the intent of the Montana Association of Counties to amend laws pertaining to the involuntary commitment of individuals in mental health crises to allow two-way audio-video appearances by all parties because it can avoid unnecessary transport of individuals in mental health crises, protecting the health and safety of law enforcement officers and individual respondents.

WHEREAS, Montana and the nation are experiencing increases in the number of individuals in mental health crises; and

WHEREAS, MCA 53-21-127 authorizes the civil involuntary commitment of individuals in a mental health crisis who are a danger to themselves or others or cannot meet their basic needs and refuse voluntary care; and

WHEREAS, MCA 53-21-119 refers to the “right of the respondent to be physically present;” and

WHEREAS, MCA 53-21-140 allows the use of two-way electronic audio-video communication in certain circumstances; and

WHEREAS, allowing two-way electronic audio-video communication by all parties to meet all presence requirements would alleviate unnecessary and often times dangerous transports of individual respondents.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend MCA 53-21-119 to remove the word “physically,” and to amend MCA 53-21-140 in its entirety and specifically indicate that two-way electronic audio-video communication meets all presence requirements.
PUBLIC LAND USE SUSTAINABILITY

It is the intent of the Montana Association of Counties to seek legislation to authorize the State to reimburse counties for lost property taxes as a result of the acquisition of real property or property held in trust by either the State or Federal government.

WHEREAS, when Montana formed in 1889, Federal law envisioned an even 6% distribution of State trust lands among townships (which became counties); and

WHEREAS, State trust lands are tax-exempt, which reduces the tax base of contributing counties; and

WHEREAS, the highest contributing counties are mostly rural and have limited prospects for boosting taxable values; and

WHEREAS, trust land revenue is distributed statewide, without preference to the amount of a county’s contribution; and

WHEREAS, 20 counties with the highest percentage of tax-exempt State lands struggle to sustain their economies and provide public services; and

WHEREAS, 13% of Montana’s residents living in 20 counties generate 41% of State Trust land revenue; and

WHEREAS, county road departments bear the bulk of maintenance costs to provide public access to State lands; and

WHEREAS, Montanans value their rural counties and public use of State lands; and

WHEREAS, PLUS (Public Land Use Sustainability) is a proposed financial partnership to support rural sustainability; and

WHEREAS, PLUS is a permanent solution to share State land lease revenues with counties maintaining a surplus of tax-exempt State trust lands; and

WHEREAS, any county maintaining more than 6% of total county acres of tax-exempt State trust lands would be known as a PLUS county and qualify for PLUS funds.

NOW, THEREFORE BE IT RESOLVED, the Montana Association of Counties seeks legislation to establish and fund a permanent lease revenue-sharing account for the benefit of 20 Montana counties with more than 6% acreage in the State Trust land program.

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<th>SPONSOR:</th>
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PUBLIC NOTICE & PARTICIPATION CRITERIA FOR REQUESTS FOR EXTENSION OF SUBDIVISION PRELIMINARY PLAT APPROVALS

It is the intent of the Montana Association of Counties to allow amend Section 76-3-610, MCA, to include public notice and public participation criteria.

WHEREAS, Section 76-3-610(1), MCA sets for the time period for approval of subdivision preliminary plats and the process for requests for extension of subdivision preliminary plat approvals; and

WHEREAS, Section 76-3-610(2), MCA states that after subdivision preliminary plat approval, additional conditions cannot be imposed as a prerequisite to subdivision final plat approval; and

WHEREAS, Section 76-3-610(1), MCA does not set forth a process for public participation when a request is made for extension of a subdivision preliminary plat approval; and

WHEREAS, Section 76-3-610(2), MCA does not allow the public to make meaningful comments during public participation as no additional conditions can be imposed as a prerequisite to subdivision final plat approval.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend the Montana Subdivision and Platting Act to amend 76-3-610, MCA to include public notice and public participation criteria for requests for extension of subdivision preliminary plat approvals.

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<tr>
<th>SPONSOR:</th>
<th>MACo LAND USE, PLANNING &amp; DEVELOPMENT COMMITTEE (ORIGINATING COUNTY: RAVALLI COUNTY)</th>
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<td>RECOMMENDATION:</td>
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<tr>
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REVISE DEFINITION OF WILD BUFFALO & WILD BISON

It is the intent of the Montana Association of Counties to clarify wild bison or wild buffalo as bison or buffalo that have never been subject to livestock tax.

WHEREAS, “wild” should mean roaming free from birth to death; and

WHEREAS, MCA 81-1-101(1)(6), “wild buffalo” or “wild bison” means a bison that has not been reduced to captivity and is not owned by a person; and

WHEREAS, MCA 87-2-101(14), “wild buffalo” or “wild bison” means buffalo or bison that have not been reduced to captivity; and

WHEREAS, MCA 87-6-101(37), “wild buffalo” means buffalo or bison that have not been reduced to captivity; and

WHEREAS, those definitions do not provide enough clarity given that buffalo and bison may be livestock or wild animals.

NOW, THEREFORE BE IT RESOLVED that MACo will seek legislation to clarify that to be considered wild bison or wild buffalo means to never have been subject to livestock tax.

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<th>Sponsor:</th>
<th>Garfield County</th>
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<td>Recommendation:</td>
<td>Do Pass</td>
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<tr>
<td>Referred To:</td>
<td>MACo Agriculture Committee</td>
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<tr>
<td>Adopted:</td>
<td>Annual Conference – October 1, 2020</td>
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</tbody>
</table>
SETTING SPEED LIMITS

WHEREAS it is the Association of Counties' intent to set speed limits on various roads within the counties they represent, and

NOW, THEREFORE Be It Resolved, that the Association of Counties hereby recommends the following speed limits:

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Speed Limit</th>
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<tbody>
<tr>
<td>Rural Roads</td>
<td>25 mph</td>
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<tr>
<td>Undivided Highways</td>
<td>40 mph</td>
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<tr>
<td>Divided Highways</td>
<td>50 mph</td>
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</table>

Sponsor: Montana Association of Counties
Recommendation: Adopted
Referred To: Montana Association of Counties
Adopted: Montana Association of Counties
HAVE NOTES? WRITE THEM HERE!
MACo’s Vision Statement

MACo enhances the public service mission of counties by promoting integrity and providing proactive leadership while acknowledging and respecting Montana’s diversity.

MACo’s Goals

1. To educate and develop relationships with legislators, state officials and local elected officials regarding county structure, budgeting, and operation; and

2. To provide education on self-determination techniques such as charter government and functional consolidation, and facilitating agreements; and

3. To educate the public using press releases distributed to local media to market county government; and

4. To promote effective tax reform including consideration of general sales tax.