



PRESENT RECOMMENDATIONS

Taxpayers have had a chance to recommend salary levels for county officials, in accordance with a new law enacted by the 2001 Legislature. The nine-member County Compensation Boards include three county officials, the county commissioners, the county attorney and two resident taxpayers. The members were appointed to staggered terms by the County Commissioners. The Boards were to review the compensation paid to county officers and could consider compensation paid to comparable officials in other counties, other states, state and federal government and private enterprise.

Each Board prepared a compensation schedule, considering factors such as population, rural residents, assessed valuation, motor vehicle registrations, building permits and other factors to reflect the workloads and tax resources. County Commissions then set the salaries by August 1, based upon the schedule approved by the County Compensation Board.

In July, MACo requested brief descriptions of the County Compensation Board recommendations. Preliminary reports show a variety of outcomes. MACo will publish a comprehensive listing in a future edition of *MACo news*.

HIGHLIGHTS—INSIDE THIS ISSUE

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COMMISSIONERS WEIGH-IN ON DRIVER'S LICENSE STATIONS

County Commissioners and citizens in counties hosting 23 driver's licensing stations, which were suddenly slated for closing, reacted strongly to the Department of Justice decision. As a result, funds to keep the stations open were moved from other sources. (*See the Department of Justice article on page 7.*)

MACo President Gary Fjelstad was particularly dismayed at the action and wrote to all county commissions asking for their help in overturning the decision. He said that during the recent legislative session local government was told repeatedly that the State wanted to work on rebuilding the relationship of trust and confidence between state and local agencies. **"It is disturbing to have no advance notice and have to read about a decision of this nature in a press release."** He felt there were other areas in the State's budget to cut back without singling out small communities and rural residents.

...and a person who rows the boat generally doesn't have time to rock it.

"The Furrow" John Deere Trade Magazine

FROM EXECUTIVE DIRECTOR GORDON MORRIS

“RAMBLINGS”

I have often found myself wondering “When will things get back to normal?” during the course of the daily, weekly, or annual activities of the association. I suppose everyone has asked this question from time to time. However, do we ever know what is normal and do we really believe that normal is best? Under “normal” circumstances I currently would be looking forward to a round of district meetings prior to the convention in September.

However, this year the Board of Directors, or more specifically the District Chairs, opted to dispense with the pre-convention district meetings. Instead, the Districts will meet on the Sunday just prior to the opening of the convention. There was a question as to the agendas and in recognition of very little business to be conducted, they—the Board members—opted not to have an August round of meetings.

Yet, with or without an active agenda, I confess to missing the meetings and will press to make this a one-time exception to the norm. I say this because I feel very strongly that the meetings serve a valuable purpose in terms of being able to see everyone and hear the issues from a local perspective as opposed to the “global” Helena perspective. I acknowledge that it is difficult to arrange to be in every courthouse due primarily to schedules, yours as well as mine. However, it has tremendous merit and appeal and a lot can be learned. I am confident that you will agree. Perhaps that should become the norm, in lieu of August district meetings.

At the same time the Board determined to offer an amendment to the By-laws. I confess that I precipitated it from the standpoint that I decried the fact that in many instances the district’s representation on the Board lacked continuity due to the annual turnover of the district chair. The amendment would call for a two-year term for district chairs. At the time it

sounded reasonable, but with more time to think about it, it strikes me that this is a district matter and should be left to the discretion of the district members themselves, and not set forth in the By-laws. I hope everyone will consider both issues—the pre-convention meetings and the By-law change.

At the last Board meeting the results of the most recent evaluation of the Association and the Executive Director, moi, were presented. This is the norm as discussed earlier, and let me say that there were no surprises when compared to the norm. Think about that. In the normal course of association activities some members are pleased and some are upset. This is a given, and one can only hope that the makeup of the “pleased” and the “displeased” is not fixed but is in constant flux. A Lincoln-esque concept comes to mind, and with an apology to Lincoln and with a minor editorial change I would restate the issue as follows: “You can please some of the people some of the time, and all of the people some of the time, but you can not please all of the people all of the time.” As someone once said and I quote, “The paid leader of an association has to simultaneously be a diplomat, a visionary, a financial wizard, a management guru and a strong leader, who also must make everyone else feel as though they are the ones in charge and making it all happen.”

Let me close this rambling commentary, by noting that things currently are far from normal for your Association, and I might add, for the State. We have a new economic development effort underway in the Governor’s office. Dave Gibson, Chief Business Officer, heads this effort and I wish him a sincere hope for success, and would point out that the Association is prepared to go the distance is providing assistance. “Mr. Gibson give us a call!” Further, Governor Martz has tasked the Director of the Department of Revenue, Mr. Kurt Alme, with putting together a tax reform proposal for her administration by October. “Kurt give us a call!” Commissioners should be heard from and their views taken into account.

And finally, there is still a vacancy in the MACo Assistant Director position, which I do not anticipate filling any earlier than January. MACo can manage until then and the time will enable the selection of the best candidate for the long term and for the best interest of the membership. Your staff is managing to maintain association activities without exception—the newsletter, arranging meetings, attending interim sessions and so on. Be assured that it is business as usual, “the norm”, and as always, “call before you dig.”

MACo News

Published Monthly

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GREG JACKSON SUFFERS HEART ATTACK

Greg Jackson, MACo JPIA Property / Casualty Liability Insurance Marketer, collapsed from a heart attack on July 16. Greg is now at home recuperating and is healing quickly. According to his wife, Diane, he will be away from the office for several weeks. He will begin cardio rehabilitation as soon as he has healed sufficiently. His doctor has been **impressed with Greg's progress so far and with his good physical condition before the heart attack. Greg's home address is 4515 Glass Drive, Helena, MT 59602.**

E-GOVERNMENT and/or WEBSITES FOR COUNTIES

MACo receives a constant array of programs and services available to counties. Here are some recent notices:

1. Montana Rural Development Partners

118 E. 7th St., Anaconda, MT 59711
563-5259 email gloria@ixi.net

Provides support for web page development and training so that all Montana cities and counties can be online.

2. Human Resources WebSuite

www.hrwebsuite.com (Arizona)

"JobScript" develops and maintains comprehensive job descriptions. "CompSource" houses data on salary and benefits for all positions.

3. GovOffice WebCreator

www.GovOffice.com
email: info@GovOffice.com

Offers an affordable, easy-to-use web site creation tool for local governments to provide minutes, zoning and planning information, online polls and business services such as online licensing, building permits, fee payments, etc.

4. Getting Online

This manual is available at MACo or from National Center for Small Communities
444 North Capitol Street, Suite 208
Washington DC 20001
202-624-3550 email: natat@sso.org

MARK YOUR CALENDARS

August

14 Executive Committee Conference Call

September

23-26 MACo Annual Conference, Glendive

October

8-10 Workforce Investment Boards, Billings

November

27-29 JPIA / JPA Joint Trustees meeting

A.G. Opinions

Vol. 49 No. 3

Requested by:

David Gliko, Great Falls City Attorney

Question:

Does a long-term lease with an option to purchase, containing a provision allowing termination of the agreement without penalty, if the governing body, in its sole discretion, fails to appropriate funds to make payments due under the lease in any fiscal year, constitute indebtedness?

Does such a lease agreement pledge the general credit of the local government so that a vote of the electors would be required?

Held:

A long-term lease with an option to purchase containing a provision allowing termination of the agreement without penalty if the governing body, in its sole discretion, fails to appropriate funds to make payments due under the lease in any fiscal year, does not create indebtedness. (7-7-4101 or 4201)

The local government may enter a long-term lease with an option to purchase containing a provision allowing termination of the agreement without penalty if the governing body, in its sole discretion, fails to appropriate funds to make payments due under the lease in any fiscal year without first putting the question to vote of the people. (7-7-4221)

1. "Since the disclosures about his fiances, the usually ebullient County Commissioner has been unavailable to reporters."

2. "The sewer expansion project is nearing completion, but county officials are holding their breath until it is officially finished."

Anguished English, by Richard Lederer

THE MONTANA SUPREME COURT EXPANDS
THE
WRONGFUL DISCHARGE ACT (WDA)

by
Jack Holstrom
MACo/JPIA Personnel Services Administrator



The Montana Wrongful Discharge From Employment Act provides that an employer can discharge an employee for "good cause". One of the Act's definitions of "good cause" is a reasonable job-related ground for dismissal based on a failure to satisfactorily perform job duties.

In Andrews v. Plum Creek Manufacturing, 305 Mont. 194 (June 2001) Kim Andrews began working at Plum Creek's Evergreen plywood mill in 1992. Within 6 months, Plum Creek transferred her to an office clerk position. The employee whom she was to replace trained her over a ten-day period. In 1998, an audit of her work was conducted and it was discovered that there was a significant amount of missing cash, cash and checks did not match invoices, and deposit slips did not comport with other documents. Plum Creek

decided to remove Kim from the clerk position because of her poor performance and offered her production jobs in the mill. She refused, and, a few months later, filed a wrongful discharge action against Plum Creek.

The District Court granted Plum Creek's motion for summary judgment and Kim appealed to the Supreme Court. In her appeal, Kim argued that Plum Creek could not have "good cause to discharge her for failure to perform job duties when Plum Creek had failed to properly train her, had not evaluated her performance, and had not established procedures for the proper performance of her job. Plum Creek responded by arguing that the plain language of the Wrongful Discharge Act provides that failure to satisfactorily perform job duties is "good cause" to discharge an em-

ployee, regardless of who is at fault for that failure.

The Montana Supreme Court bought Kim's argument and reversed the District Court. In effect, the Court expanded the whole concept of "good cause" to terminate for failure to satisfactorily perform job duties to include arguments and evidence relating to whose fault it was that the employee did not perform satisfactorily in the job. Now, the discharged employee can argue that it was the employer's fault he/she did not do well in the job and can use inadequate training, supervision, or failure to evaluate and warn as excuses.

What this case means is that you as a supervisor must make certain that you properly train, supervise, and evaluate your employees and must warn them if they are not performing satisfactorily.

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**Jack
Holstrom**

**Personnel Services
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MSU LOCAL GOVERNMENT CENTER BEGINS NEW CHAPTER

Former MACo Assistant Director Jane Jelinski began her new position as Director of MSU Local Government Center in July. In a recent interview, Jelinski had these ideas for the future of the Center:

1. The Center has done regular in-depth reports on subjects affecting local governments--expanding trade; tribes; infrastructure, etc. What subjects are you hoping to cover?

The first order of business is to conduct a needs assessment. I am already working on it. We will send it out to all local governments, state officials, etc. (and of course MACo and the League). The areas we will focus our research and training will be decided when we have the responses to the needs assessment. We want to work in areas that local governments direct us to do.

2. Government officials' training has been a very important service. What are your plans to continue this?

We will continue local government training, and hope to expand it at the request of local governments, MACo and the League. I am also going to look into the possibility of putting together a more expanded new legislator orientation on local government issues if there is interest from legislative services and the leadership.

3. Will there be more "Montana Policy Review"?

We plan to begin the MT Policy Review shortly, and hope to get an issue out in November

4. The Local Government Policy Council has been inactive for the last several years. Do you have any plans to revitalize it?

Reorganizing the Local Government Policy Council is definitely on the agenda.



MACo President Gary Fjelstad presenting outgoing MACo Assistant Director Jane Jelinski with honors during June 7, 2001, MACo Board meeting.

The mission of the Local Government Center is to build and sustain working partnerships with local government practitioners and their professional associations, Montana Tribal governments, key state agencies, the Local Government Committees of the Montana State Legislature, the Geographic Information and Analysis Center, and the appropriate departments, centers, faculty and staff of the Montana University System.

Center Director Jelinski brings 17 years of practical experience in local government, having served as Gallatin County Commissioner (1984-1998) and MACo Assistant Director (1998-2001), as well as on numerous committees at the State and NACo levels. Prior to her local government involvement, she worked as executive director of an advocacy non-profit and as a classroom teacher. Jelinski's professional development includes an MPA from MSU and a BA from Fontbonne College, Missouri.

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COUNTY NEWS

CHANGES IN OFFICIALS

TETON County Superintendent of Schools Gwyn Anderson is resigning before the end of her third four-year term to become business manager of Browning Public Schools. County Commissioners are conducting hearings to move the position to half-time.

FLATHEAD County Commission will hire two people to replace their administrative officer, Earl Bennett, who died in May. The two positions to be filled are the administrative position and a human resource director.

LEWIS and CLARK County Auditor Alicia Pichette has resigned to accept a position in State government. The County Commission is considering possible changes in the position.

NIGHT SESSIONS

CASCADE County Commission voted to continue meeting at 7 pm twice a month, a schedule started during the recent State legislative session. Although attendance at county meetings hasn't increased in six years, two of the commissioners said evenings open the door to better public attendance.

RAVALLI County Commission dropped a proposal for night court sessions in a community away from the County Seat when legal counsel cited State laws which require justice courts to be staffed and open every day and which do not give the power to establish night courts.

NON-MOTORIZED TRANSPORTATION

MISSOULA and **PARK** Counties are grappling with new policies for trails, sidewalks, and bicycle paths. Missoula County is including mass transit (buses) and Park County is hoping to get motored vehicles and horses off the paths, although skate boards would be permitted.

RELIGIOUS MONUMENTS

CUSTER County dropped plans for an "evolution of Law" display which would have included a Ten Commandments monument. Earlier, a Nativity Scene was moved from the courthouse lawn after lengthy local debate and action by ACLU. The creche had been displayed for seven years and the Ten Commandments had been on display for over 20 years.

HIRING THE COUNTY

GLACIER County Road Department will hire out for private work only when no private contractors are available or able to do the work. Employees and all equipment would rent for \$60 an hour, except dump trucks at \$40 an hour.

FOREST COMMITTEE

RAVALLI County and Bitterroot National Forest received 55 applications for nomination to a 15-member Resource Advisory Committee.

GROWTH PLANNING

BROADWATER County is mailing questionnaires to all households in the county to determine opinions regarding public services, land use and economic development. Raffle tickets are attached to each questionnaire and two drawings for \$100 each will be held for the respondents.

CONSERVATION EASEMENT

LINCOLN and **SANDERS** Counties share the largest conservation easement in Montana history—140,000 acres in the Thompson and Fisher Rivers corridor. Total cost of purchase from Plum Creek Timber Company is \$30 Million.

OIL SEVERANCE TAX COMPROMISE

32 Counties and levy districts will receive \$15 million from part of a tax liability settlement which started with oil production in 1981.

OBITUARY

Howard Hammer, Ravalli County Commissioner from 1968-74, passed away in Hamilton. In addition to his service as a County Commissioner, Hammer had worked with IHOP, sold dairy products and was district manager for an investment firm. He is survived by his wife, Nancy, and a son and daughter.

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DRIVERS LICENSING STATIONS

Larry Fasbender

Deputy Director of the Department of Justice

Seldom in state government are there weeks like the one the Department of Justice experienced in mid-June. On June 15th Motor Vehicle Division administrator Dean Roberts and I announced that a DOJ budget shortfall would force the closure of 23 driver license stations and reductions in hours or staff of a few others.

Precisely a week later, the department announced the “non-closure” of those same stations, due to a budget adjustment that included funds from the Personal Services Contingency Account, savings on vehicles turned back to the state motor pool and the suspension of rent at a couple stations.

Although the budget change has postponed the closures for now, I know there are still some hard feelings over the department’s decision. I’m grateful to MACo for an opportunity to explain why the Department of Justice did what it did.

It is no secret that Montanans in the public and private sectors are faced with a sluggish economy and all the challenges that can accompany it. The Department of Justice is certainly no exception.

When we announced the closures on June 15, we made it clear that it was a decision based purely on budget concerns. The 2001 legislature set the Department of Justice’s budget at a level that required us to make some changes.

- On the 88th day of the session, \$186,000 of our computer services budget was eliminated.
- Travel budgets were cut by more than 11 %.
- In order to continue to mail license renewal notices to Montanans, the legislature reduced our prison per diem budget by \$40,000; the Division of Criminal Investigation lost

\$40,000 for the purchase of used cars for investigators and our dispatch operations budget was cut by more than \$29,000.

- Like other state agencies, we must cope with a mandatory 5 percent vacancy savings.

Like any government agency - indeed, like any Montana business or household - we cannot absorb budget cuts without making difficult choices, including the reduction or elimination of services.

Department officials developed a plan that would save about \$120,000 and, we hoped, not inconvenience too many Montanans. The plan was reviewed and accepted by the Governor’s Office of Budget and Program Planning, well before the information was released to the public.

Our plan also called for educating the public about the various ways to get and renew a driver license conveniently. We also had plans to travel to specific communities when special needs arose, including commercial driver licensing for bus and truck drivers.

No one knows better than I how the announcement angered Montanans. I can only guess how many legislators, city and county officials and private citizens called, wrote and emailed to express their unhappiness with the proposed closures.

In the days between the announcement of the closures and the budget adjustment to keep them open, the entire tale was portrayed in an often-angry light, an “Us vs. Them” light, a “Rural vs. Urban” light. It was none of those things. It was a business decision, a budget decision, a decision we took very seriously.

For now, the driver license stations will remain open. However, more difficult decisions lie ahead. Additional cuts in government services are likely, even, regrettably, in rural areas.

For some people, I know, no explanation will suffice. For others, however, this process may lead to a better understanding of how legislative appropriations affect everyday services. I hope we can all work together to find agreement on a level of funding that allows us to continue to provide critical services throughout the state, in large and



INTERNATIONAL ASSOCIATION OF CLERKS, RECORDERS, ELECTION OFFICIALS AND TREASURERS

The International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) met in Billings June 14-20. 34 States, 4 Canadian Provinces, United Kingdom, New Zealand and Australia had attendees. A companion show billed itself as "the nation's largest election-equipment trade show" and featured the latest in electronic voting machines.

The IACREOT sessions were separated into four divisions:

Clerks Division held sessions on Public Records vs Privacy and Motor Vehicle Fraud;

Election Officials Division held sessions on Internet Voting and the latest Voting Equipment;

Recorders Division held Electronic Transactions and Centralizing Data with Secretaries of State;

Treasurers Division featured E-banking / investing County Funds and Automated Tax Collections.

Newest technology in voting equipment featured complex optical scanners, touch screens or software that allows voters to cast votes online. Some systems provide a printout after casting the ballot, changes languages instantaneously, accommodates visual impairments with Braille keyboards and/or voice assistance, and is secure from outside intrusion or vote rigging.

VOTING PROCESS REFORM

An analysis of all the studies done on voting technologies and problems has been completed by MIT and CIT. While there is wide agreement that federal money is needed to buy better voting machines, state and local governments don't want to lose control.

In the past year 1,500 election reform bills were introduced in the 50 states. So far, Florida, Georgia and Maryland have approved sweeping improvements by centralizing their systems or adopting a uniform electronic voting system. Most other states have made smaller changes or are studying the issue. Congress has yet to pass any reform legislation.

Other issues include problems with voter registration, absentee voting, ballot design, exit polling, training election officials, voter education and alternative voting methods for disabilities.

Eight states have uniform balloting systems in place. In addition, Virginia is studying absentee voting procedures; Utah is checking into secret ballots for the blind; Kentucky proposals were defeated because of opposition from local election officials to a centralized voting system.

20 years ago, 40% of all counties used hand-written paper ballots; in 2000 only 12% did. In 2000, 40% of all counties used optical scanners when in 1980 only 1% did.

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Information for the Voting Process article came from Associated Press article by Robert Tanner, 6/7/01 and 'AARP Bulletin' article by Christopher Gearon, July-August 2001 edition.

ANOTHER VIEW OF HB 543

No “oops” about it—Growth Policies are still not regulatory

This response was developed by Janet Cornish and Linda Stoll on behalf of the Montana Association of Planners (MAP) and Gavin Anderson and Rich Weddle for the Montana Department of Commerce.

June’s *MACo news* contained an article expressing fears about HB 543 dealing with growth policies in the subdivision review process.

The subtitle (“...oops, we didn’t think the growth policy would be regulatory”) might have confused some readers. The notion that a growth policy is not regulatory is widely held among most planners, local governments and the development community. HB 543 was introduced by those who believed that some local governments were denying subdivisions based solely on non-compliance with growth policies (or comprehensive plans or master plans, terms synonymous with growth policies).

In the House Natural Resources Committee, HB 543’s original language—which strictly prohibited the use of growth policies to disapprove subdivisions—was modified in ways that made it unacceptable to both the proponents and the opponents. Both sides had reasons for wanting portions of the bill to pass and so agreed to work together on amendments to save a modified version of the bill. HB543 is the result.

HB 543 does two things: It reaffirms that growth policies are **not** regulatory and it mandates that if local governments adopt growth policies, they must, within one year, adopt subdivision regulations to **implement** the growth policy.

Why is this a problem? Apparently some local governments are adopting land use policies, believing they can base subdivision decisions solely on those policies (which may be inconsistent with or contradict subdivision regulations.)

Why would a local government adopt land use policies without intending to implement them? It appears there are three reasons for this: Elected officials may feel that they will have more latitude in making subdivision decisions (the “luxury” of “interpretation” described in last month’s article) if they can use the often amorphous policy, goal, and objective statements contained in growth policies instead of the more specific and defined language contained in regulatory documents. Some local governments adopt growth policies because it might enhance their chances at obtaining grants. Also, many commissioners (especially from the rural areas) will tell you that the “Z-word” (zoning) is a political “third rail”. (Opposition to zoning seems to “soften” as an area becomes more populated.) Zoning ordinances, however, are fairly standard tools for implementing planning goals such as density standards for residential development in Montana cities, and have been adopted in several

counties.

Most people in Montana would support a policy “preserving agriculture” or “maintaining rural lifestyles”. The difficulty arises in determining how best to implement those policies. A strategy could be developed which combines, perhaps, zoning, agricultural conservation easements, cluster developments and modifications to subdivision regulations, to name a few of the available tools. Density standards almost always come into play when a community desires to maintain open space, for agricultural, recreational or other purposes.

There is debate in the planning community about the best way to implement density standards. Some believe such standards can be implemented through subdivision regulations, while others feel that densities are more properly addressed through zoning ordinances. Both are regulatory mechanisms. It is clear that maintaining open space in a particular area necessarily means limiting development. And limiting development is often anathema to folks in the business of subdividing land or building and selling homes. Thus, while some might feel very comfortable in supporting the general notion of “preserving agriculture” (as long as it’s contained in a document that’s not regulatory), those same folks might get a little testy when it comes time to actually implement that goal through zoning or subdivision regulations.

This point was freely acknowledged throughout the legislative discussions of HB 543. And, it was generally agreed that most of the land use decision problems arose from the failed expectations of either the development community or existing residents.

Consider a scenario in which a county adopts a goal of “preserving agriculture” in its growth policy but does not address this goal in any of its regulatory documents. Along comes a developer who wants to create a 150-unit subdivision in prime agricultural land. The county denies the subdivision because it is inconsistent with the growth policy goal of “preserving agriculture.” The development may have had the expectation (based on his reading of the subdivision regulations and zoning documents, if any existed, relative to the property in question) of a denial for this reason. Naturally, the developer feels he has been treated unfairly and perhaps even illegally. Thus, a court challenge ensues.

Let’s reverse the scenario—same developer, same property—only this time the commission approves the

CONTINUED ON NEXT PAGE

HB 543 CONTINUED

development. Neighboring residents are outraged. They spent months of night meetings and neighborhood organizational work on the county's growth policy. Secure in having achieved a goal of "preserving agriculture" they are mystified (and very angry) when their elected officials approve this subdivision in a prime agricultural area in direct contravention of this policy goal.

To be fair, this example presumes that the developer didn't reference the growth policy and that the local planner didn't advise the developer of the need to address the goals in the growth policy. However, the point is that failed expectations are an inevitable result of any county that adopts policies and does not implement through appropriate land use and development regulations.

The adoption of an "SB 97 compliant" growth policy already provides (even before the passage of HB 543) a clean and clear way to comply with the new law. Growth policies *must include* implementation strategies ("policies, regulations and other measures") for the goals and objectives established pursuant to 76-1-601 (2)(a) and a timetable for putting those strategies to work. A growth policy that is believed to be compliant with SB 97 (unofficially, from the Department of Commerce) is the draft for the City of Bozeman.

Nothing in this article should be interpreted to mean that adopting regulations to implement a growth policy is easy. Obtaining community consensus on land use and development issues in the cases of adopting both growth policies and the implementing regulations is almost always fraught with angst and anxiety, not to mention the cost in terms of both time and money. So, wouldn't it make sense to develop the corresponding implementation strategies at the same time as a community develops the growth policy?

It's important to remember that the adoption of growth policies by counties is optional-not mandatory. Although planning boards are required to "prepare" growth policies, the law establishes no time limits for completion; and nothing in the law, including HB 543, requires counties to adopt growth policies. Thus, communities that aren't experiencing any growth, for example, may decide they don't want or need to adopt growth policies. The regulatory elements associated with implementation need not be overwhelming—just simple straightforward, common sense ways to meet goals and objectives—appropriate to the needs of the county and appropriate to the growth and/or decline

MACo and MAP Land Use Planning Committees will be meeting soon to resolve interpretation questions related to Montana's Growth Policy Law.

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**ROAD CONSTRUCTION
AND
WATER RIGHTS**

The last legislative session passed HB33 which allows contractors to lease a water right for road construction purposes without having to comply with requirements under the Montana Water Use Act. The water right is considered a short-term lease and has certain restrictions.

The contractor must notify other water right holders of the proposed lease 30 days prior to the use of the water by either publishing notice in a newspaper of general circulation in the area of the water use or by mailing individual notice to potentially affected water users. If the water use is to be more than 60,000 gallons a day for the project, the potential adverse effects must be listed with plans to mitigate the potential impacts.

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Board of Directors Member



Jennifer Smith Mitchell
Commissioner
Gallatin County
Elected 1998

- Prior Occupation** Business owner—historic home preservation, remodeling, restoration
- Favorite Part of the Job** ...the variety of issues, problems and processes in County government—There’s never a dull moment. “I like using my ‘all of all trades’ experience to really make a difference and see the results.
- Least Favorite Part** ...the political games, especially where decisions are based on personal agendas rather than fairness or doing the job right
- Most Important Goals** ...maintaining fairness, accountability and balance; improving public input; keeping the county budget in the black with good planning and priorities
- Personal** I am married to Bill, a Butte native, for 18 years. We have no children, but we have one ‘only’ old cat to run the household. We like to travel, ski, and workout. My personal hobbies include hiking, riding, restoring our old house. I enjoy anything challenging and unusual and even went so far as to run a 50-mile ultra-marathon twice!

STATE LOCAL GOVERNMENT SERVICES REORGANIZE

Local Government Assistance Division in the Department of Commerce has split off the audit review and system program to the State Department of Administration.

This move includes the Audit Review Program and the Systems Program only. Community Development, Community Technical Assistance, and other services remain with the Department of Commerce.

New contact information is:

Local Government Services Bureau
Administrative Financial Services Division
Department of Administration
301 South Park Avenue, Room 340
PO Box 200547
Helena, MT 59620-0547
Phone: 841-2909



Freedom In Retirement

Through our partnership with the National Association of Counties, Nationwide Retirement Solutions provides financial solutions for county employees to prepare for life events through retirement planning, educational programs, and attractive and competitive investment options.

Nationwide’s commitment to county employers and employees includes comprehensive communication and administrative support as well as advanced interactive systems and technology.

We’re making it easier for you to get the service you need. We can be reached at 877/677-3678 or visit our website at www.NRSFORU.com.



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