



## Highlights

Page 2

Thank You Sponsors & Exhibitors

Page 3

2006-2007 Officers

Page 4

Kaercher Testifies

Page 5

Meet the New MACo Staff

Page 6

County News

Page 7

Stately Affairs: Election Day, Ballots, and Acts

Page 8

NACo News

Page 9

NACo News

Page 10

Call to Counties: County Outreach Program

Page 11

Please Support Our Supporters: Advertisements

Page 12

Thank You Sponsors: Advertisements Continued

Page 13

Conclusions: Attorney General's Opinion

## Advertisements

Page 11

Robert Peccia & Associates, Lane & Associates Inc., Joint Powers Trust, Morrison-Maierle, Roscoe Steel & Culvert, MACo JPIA, Great Plains Towers Inc.

Page 12

Kadmas Lee & Jackson, Piper Jaffray, Black Mountain Software, MACo Risk Management & Training

## 97th Annual Conference Bozeman, MT

### President Prinkki's Welcome Speech

Two years have gone by since I was elected MACo 2<sup>nd</sup> VP, and it's really hard to believe. Time really does fly by when you're having a good time, and I've enjoyed serving as a MACo officer for the past two years, and I look forward to serving as your Montana Association of Counties President. It is a treasured privilege.

Working side by side with Doug Kaercher these last four days, I've watched him transition from someone lightly burdened with the responsibility of providing leadership and conducting the business of our Montana Association of Counties, into a person who is as gleeful as a kid with a new puppy.

That's when I noticed that my shoulders felt a little heavier. But then I remembered the message so graciously delivered by Gallatin County Sheriff's Office Chaplain Warren Hiebert. Chaplain Heibert's message simply stated that we should take advantage of the gifts we have been given and use them to their fullest, to not let adversity or mounting tasks get us down, and to not quit if times get a little tough.

Although there will be daunting tasks ahead, and no doubt some adversity, with the forthcoming 2007 Legislative Session, I feel confident in the abilities of our newly restructured MACo staff. I know that I will have their support,



as well my fellow commissioners, and that we will have a great team with which to maintain the respect that MACo has worked so hard to build. The Montana Legislature knows that it can trust our Association to provide them an honest, well considered opinion on any issue we engage with them in. I look forward to working with all of you to promote the issues and values of our association.

What is my agenda? I had the opportunity a few years ago to attend a meeting where General Norman Schwarzkopf spoke to the membership of the NRECA about leadership. General Schwarzkopf related a story about a time in his career when the Military Base Commander where he was serving, had to leave then Captain Schwarzkopf in command. Before the Commander left, Captain Schwarzkopf asked the Commander, "What is it you would like me to do while you are gone?" The Commander looked him straight in the eye and said, "Do the right thing."

Relying on the guidance of you, my fellow Commissioners, our staff, and the Resolutions and Policy Statements of the Montana Association of Counties, I will "do the right thing".



# 97th Annual MACo Conference

## Thank you to conference sponsors and exhibitors

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MT Association of Counties Insurance Trusts, Helena  
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MT Department of Environmental Quality, Helena  
MT DNRC, Helena  
MT DOA-ITSD-GIS, Helena  
MT Department of Commerce, Helena  
MT Department of Revenue, Helena  
Parks Division of FWP, Helena  
NAPA Auto Parts, Billings  
Nationwide Retirement Solutions, Idaho Falls, ID

### EXHIBITORS CONTINUED . . .

New West Health Services, Billings  
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Data Imaging Systems, Billings  
Joint Powers Trust, Lewistown  
Nationwide Retirement Solutions, Idaho Falls, ID  
Big Sky Resort, Big Sky  
Bronze:  
Allied Waste Services of Bozeman, Bozeman  
First Interstate Bank, Bozeman  
Ingram-Clevenger, Inc., Bozeman  
JTL Group, Belgrade  
Moonlight Basin, Big Sky  
Montana Joint Council of Extension Professionals, Belgrade  
Raymond James Financial, Inc., Helena  
Stahly Engineering & Associates, Helena  
Valley Bank of Helena, Helena

## MDT Invites You to the Height Modernization Forum

October 17, 2006  
8:30 AM - 4:30 PM

Height Modernization is a network within NOAA's National Geodetic Survey (NGS) that is the fundamental infrastructure for all surveying and mapping activities, whether federal, state or local in scope.

For years, Global Positioning System (GPS) has been used to determine accurate positions (latitude and

longitude), but now, by following Height Modernization standards, specifications and techniques, GPS can efficiently establish accurate elevations for all types of positions and navigational needs. Accurate elevations influences a great many aspects of geographic information systems (GIS) from flood plain mapping to orthophotography.

The Montana Department of Transportation (MDT), in conjunction with Montana's NGS Advisor Curt Smith will hold a full-day Height Mod Forum at MDT headquarters in Helena, Montana on Tuesday, October 17. The Forum will explain what Height Modernization is and identify how an improved survey network will benefit Montana.

Attendance to the Forum is FREE and limited to 100 so please REGISTER your planned attendance to MDT.

For additional information, contact Dave Davis, Land Survey Manager MDT at 406.444.6020 or the NGS Geodetic Advisor to Montana, Curt Smith at 406.444.0989 and please visit [www.ngs.noaa.gov/heightmod/](http://www.ngs.noaa.gov/heightmod/).



# 97th Annual MACo Conference

## Conference Photos



## 2006-2007

### MACo Executive Committee



President  
John Prinkki  
Carbon County



From Left to Right:  
*Fiscal Officer* Allan Underdal, Toole County; *2nd Vice President* Mike McGinley, Beaverhead County; *1st Vice President* Cynthia Johnson, Pondera County; *Past President* Doug Kaercher, Hill County; and *Urban Counties Rep.* Greg Chilcott, Ravalli County

## 2006-2007 Officers

### County Clerk & Recordors

- President  
Lisa Kimmet, Prairie County
- Vice President  
Cindy Maxwell, Bighorn County
- 2<sup>ND</sup> Vice President  
Amanda Kelly, Judith Basin County
- 3<sup>RD</sup> Vice President  
Penni Lewis, Richland County
- Secretary  
Kathy Felharty, Fergus County
- Treasurer  
Paula Robinson, Flathead County
- Chaplain  
Ruth Baker, Treasure County



## Mark your calendars

### OCTOBER

Oct 18-21 NCCAE, Cooperstown, NY  
 Oct 19 Drought Advisory Committee, DEQ  
 Conference Room 111, 9:30 a.m.  
 Oct 20 Transportation Commission, Helena

### NOVEMBER

**Nov. 7 General Election Day**  
 Nov 8-11 Rocky Mountain Association of Fairs,  
 Rapid City, SD  
 Nov 12-14 Western Community Stewardship  
 Forum  
 Nov 13-18 Magistrates Association Certification  
 meeting, Great Falls, Heritage Inn  
 Nov 16 Council of County Officials, Helena  
 Nov 16-18 NACo HHS Conference,  
 St. Petersburg, FL  
 Nov 29-Dec 1 JPIA, JPA, MACo HCT Trustees  
 Retreat, Double Arrow Lodge, Seeley  
 Lake, MT

### DECEMBER

TBD MACo Board of Directors Meeting

Dec 6-7 Transportation Commission, Helena  
 Dec 11-15 Newly Elected Officials Training, Helena

### 2007

Jan 3 Legislative Session Convenes  
 Jan 10-14 NACo Presidents & Exec's Meeting,  
 Washington, DC  
 Jan 17-19 Loss Control, Billings—JPIA/JPA  
 Membership Annual Meeting  
 Feb 12-15 MACo Midwinter Meeting, Helena  
 Feb 25-28 Transmittal Break **(TENTATIVE)**  
 Mar 3-7 NACo Legislative Conference,  
 Washington, DC  
 April 25 Legislative Sine Die **(TENTATIVE)**  
 April 25-27 JPIA/JPA/HCT Trustees meeting  
**(TENTATIVE)**  
 May 8-12 WIR, Fairbanks, AK  
 June 4-15 District Meetings **(TENTATIVE)**  
 June 25-28 MACo Board of Directors Meeting  
**(TENTATIVE)**  
 July 12-18 NACo Annual Conference,  
 Richmond, VA  
 Sept 23-27 MACo Annual Conference, Great Falls

## Former MACo President Kaercher testifies before U.S. Senate Panel

Provided by NACo  
**WASHINGTON, D.C. –**  
 Hill County, Mont. Commissioner Doug Kaercher urged a U.S. Senate panel to extend the Essential Air Service program and provide an authorized level of funding that is adequate for meeting the demands of the program.

Kaercher testified before the Commerce, Science and Transportation Subcommittee on Aviation, chaired by Sen. Conrad Burns (R-Mont.), on behalf of the National Association of Counties (NACo) and the Montana Association of Counties, where he serves as president.

"In a nutshell, EAS keeps these communities linked to the rest of Amer-

ica," Kaercher testified. "It provides a link for citizens to travel to the larger communities plus a link to the nation and world through the hub airports that EAS connects to. EAS plays a key role in local communities by attracting and retaining businesses that depend on commercial air service, in health care by enabling our citizens to more easily access sophisticated healthcare that is often absent in rural communities, and by making the business of government work much better when elected officials, such as myself, can fly to the state capital to confer with key state officials."

The Essential Air Ser-

vice program was created by Congress in 1978 to protect counties and small cities from the affects of airline deregulation. The program provides subsidies to air carriers to provide scheduled commercial airline services at small airports.

Kaercher noted that Havre City-County Airport, located in Hill County, receives EAS service from Big Sky Airlines. This service carried 2,973 passengers in 2005. There are seven other communities in Montana that receive EAS service: Glasgow, Glendive, Yellowstone, Wolf Point, Miles City, Sidney and Helena.

"When the Com-



Doug Kaercher  
 MACo Past President

merce Committee in 2007 considers the reauthorization of the federal airport and aviation programs, we urge you to extend EAS and provide an authorized level of funding that is adequate for meeting the demands and costs of the program," Kaercher said."



# MACo News

## New MACo Staff: Watch for these new faces



Laurie Goltry  
Claims Assistant

Laurie began working at MACo on September 11. Before becoming our new Claims Assistant, she was Building Manager for the Down Town Professional Center. While there she checked over the building, communicated with tenants, troubleshooted problems, and handled the billing. For ten years she was also a home-based entrepreneur, selling Pampered Chef. Now Laurie processes new claims, sends letters to claimants, and deals with liability and worker's compensation issues.

She and her family currently have plans to build a house soon. Congrats Laurie!



Fred Hansen  
Loss Control Specialist

Fred began working at MACo on September 12, 2006. Before joining our team, Fred owned a furniture manufacturing company for 8 years in Missoula as well as a motorcycle company in Deland, FL. Prior to that he was the vice president of safety for a trucking company in Florida where he was responsible for all DOT/OSHA, drug testing, safety issues, and insurance contracts in two states. Fred has also been an Operations/Safety Manager for a trucking company in Missoula, where he was responsible for the operations of 300 trucks plus all DOT/OSHA safety issues. He was also Director of Safety for a holding company in Tennessee with holdings in seven states. While there he created a safety program. His past experience includes over eleven years in risk management and loss control, creating and implementing safety and loss control programs.

For fifteen years, Fred was law enforcement, varying from street patrol, investigator, parole officer, to special court investigator. At MACo he analyzes and classifies risks as to frequency and severity; measures financial impact of risk on the trust; and selects appropriate techniques, programs, and policies to minimize loss. He also serves on boards and committees as a trust representative and conducts county visits in high exposure fields such as law enforcement and road departments to assess risk.



Shantil Siaperas  
Publications Officer

Shantil began her work at MACo on September 22, 2006. Before landing here, she worked at Red Lodge Clearing House, Carroll College Career and Testing Services, and Globe Pequot Press. She recently graduated from Carroll College as well as completed the graduate program at the University of Denver Publishing Institute. Shantil is experienced in newspaper development, book publishing and marketing, and website construction and maintenance. Her duties at MACo will include producing the newsletter, working on a new website, legislative alerts, and communication with counties.

## DON'T FORGET

Nominations are open for 2007 county conservation leadership award. The deadline for submission is November 17, and the awards will be presented at NACo's 2007 Legislative Conference in Washington, DC, March 3-7. NACo and the Trust for Public Land (TPL), in partnership with the National Association of County Planners and the National Association of County Park and Recreation Officials, recognize leadership, innovation, and excellence in county land conservation efforts through the County Leadership in Conservation Awards.

Three awards will be presented to county officials representing NACo member counties with small, medium and large populations during NACo's Legislative Conference held annually in Washington, D.C. Additional information, nomination forms, and descriptions of the 2006 award-winning counties can be accessed at [www.naco.org/conservationawards](http://www.naco.org/conservationawards) or at [www.tpl.org/awards](http://www.tpl.org/awards). You can also contact James Davenport, NACo project manager, (202) 661-8807 or [jdavenport@naco.org](mailto:jdavenport@naco.org).



# County News

## COUNTY OFFICIALS

### **PETROLEUM**

**COUNTY'S** County Manager Stephanie Downs has resigned, and Lisa A. Solf has been appointed. She also has the duties of Treasurer, Assessor, and County Superintendent of Schools.

### **MADISON COUNTY**

Commissioners appointed former prosecutor and assistant state attorney general Chris Christensen as the new county attorney.

### **BEAVERHEAD COUNTY**

commissioners appointed Ken Brunkhorst, long time county coroner, as county sheriff following the resignation of interim Sheriff Harold Forsman. Brunkhorst will remain county sheriff until mid November, when commissioners will appoint the winner of this fall's election.

### **STILLWATER COUNTY**

Commissioner Chuck Egan announced his resignation, which was effective as of October 1.

**LAKE COUNTY** Sheriff Bill Barron will leave his office two and a half months before his term expires in order to take a job as a detective with the Polson police department. His last day as Sheriff will be October 15. His replacement will be Lucky Larson.

**ANACONDA-DEER LODGE COUNTY'S** Chief Executive Becky Guay proposed in her 2006-07 budget to move Jan Thomas laterally from treasurer to financial officer while the county hires a new treasurer. Commissioners approved Guay's proposal.

## MISCILANIOUS

**PARK COUNTY** adopted new subdivision regulations. The new regulations offer incentives as well as relax rules to encourage developers to come up with innovative planned unit developments (PUDs) and cluster developments.

**FLATHEAD COUNTY** will award four \$500 grants this fall to schools that propose projects to reduce the

amount of waste that their schools generate.

**FALLON COUNTY** commissioners held a public meeting concerning the possibility of having county-wide garbage pick-up. The hope is to have some monitoring to try and eliminate some of the illegal dumping such as dead animals, batteries, and tires.

**GALLATIN COUNTY** officials are moving forward with a density regulation that would restrict new construction in the county's unzoned areas to one building per 160 acres. The regulation, if adopted, would vastly restrict the number of new homes that could be built in the county in coming years.

**FLATHEAD COUNTY** commissioners unanimously approved a \$60.92 million budget with a property-tax levy of 137.656 mills.

**DAWSON COUNTY** commissioners began a project of mapping county roads with the intention to declare

all the roads within the county as county roads so as to guarantee easements and access for property owners. There is approximately 1200 miles of roads to be mapped and accepted by the county.

**RAVALLI COUNTY** Right to Farm and Ranch Board, in collaboration with the Bitterroot Land Trust and other community groups, undertook a study, which established that more than 50,000 acres of agricultural land have been lost since 1980 and, if nothing changes, another 40,000 acres will be lost by the year 2025. Therefore, a \$10 million bond issue to support an Open Lands Program for Ravalli County will be on the ballot in November.

**MISSOULA COUNTY** Attorney Fred Van Valkenburg suffered a heart arrhythmia Sunday, October 8 after playing a round of golf and was treated at both Community Medical Center and St. Patrick Hospital.

## Jefferson County Road Department and Solid Waste District seek Road Department Supervisor and Solid Waste District Manager

The Road Department Supervisor and Solid Waste District Manager is a full time position based in Boulder, MT. This position supervises all road department and solid waste district employees. It requires advanced knowledge of roadway and bridge design as well as construction and knowledge of solid waste and landfill operations. Must have computer skills in word processing, spreadsheets, and databases, plus skills in correspondence and bookkeeping. Must have knowledge of administering budgets, preparing bid specifications, negotiating and preparing contracts and agreements. Must be able to

establish and maintain effective working relationship with county workers, subcontractors, government agency personnel, and County Commission as well as communicate effectively. Must have at least five years experience in heavy construction with management and supervisory experience and possess a current Commercial Drivers License.

The salary is \$21.60 per hour DOE. Contact the Jefferson County Road Department at PO Box H, Boulder, MT 59632 or phone (406) 225-4241 for application.

Applications are due by October 20, 2006.



# Stately Affairs

## Election day and ballot issues are around the corner

By Brad Johnson, Montana Secretary of State

We all know how important this season is. Election Administrators and Clerks and Records are on the front lines this fall doing the real work of running an election. There are many who help them do their job – from volunteers and election judges through county commissioners and others in local government to the dedicated folks on my staff at the Secretary of State's office. There are many issues where one might draw a line between groups, and divide us into Democrats and Republicans, but not this one. Both sides believe in clean, fair elections. Together, we make up a single team, dedicated to election integrity.

A successful election requires **informed participation**. We're all working together to help as many citizens as possible cast informed votes. Ballot issues often present a voter with greater than usual chal-

lenges to casting an informed vote – this year is no exception.

Court challenges surround the ballot issues this year, some of them appealed, others not. **Some haven't even been heard yet, and might not be heard by the courts before the election.** Things are so much in flux right now that by the time you read **this, it's likely they will have changed again.**

All ballot issues – no matter what their status in the courts – are on the ballot. There are two **reasons for that**. **First, we don't yet know how the Supreme Court will rule on the initiatives recently decertified by the district court.** Second, ballots have already been printed and absentee voters began receiving them on September 22, so it was impossible to remove the initiatives.

However, what we do with votes cast on those issues is altogether another question. **Unfortunately, it's a question we**

**can't answer definitively yet.** The final answer depends on the court system. The moment the courts settle the status of the **ballot issues, we're prepared to change the programming of vote counting machines.** If the courts rule that votes should not be counted on some or all initiatives, we will program the machines to not count votes on those issues. If, on the other hand, the court says those ballot issues are re-certified, then votes on those issues will be counted.

We have every hope that the courts will act well before the election. The Supreme Court and District Courts have consistently been very responsive to the concerns of the Secretary of **State's office and the county** election offices. As soon as the Supreme Court acts, it will be easier to give answers on the question of initiatives.

The moment word comes to this office about the fate of the



Brad Johnson  
Secretary of State

challenged issues we will send it on to county election officials. Legal action gives us a bigger challenge than usual, but together we can rise to that challenge. Through Election Day – and all year round – **I'm ready to help if you have any questions or concerns. Give us a call!**

## County Growth Policy: Do you have one?

By Myra L. Shults, Land Use Attorney

By the time you read this, October 1, 2006 will have already arrived, but it is still important to recognize for two reasons: it is the date by which counties should have adopted a growth policy in accordance with §§ 76-1-601, *et seq.*, MCA, and it is the date upon which Senate Bill 116, which made procedural changes to the Montana Subdivision and Platting Act, took effect.

If your county did not have a growth policy adopted by October 1, 2006, it is my opinion that there is no prohibition against the county adopting one as soon as it can. In the meantime the county cannot enact Part 2, 201 or county zoning (found at §§ 76-2-201, *et seq.*, MCA) unless it uses the interim zoning process in § 76-2-206, MCA (provided the facts fit that section). Attorneys and planners have differing views about whether a county can approve conditional use permits, planned unit developments, or variances if it does not have a growth policy. Some think nothing involved with zoning can occur without a growth policy. Others believe CUPs, PUDs and variances are deviations from zoning, do not need to be in accordance with a growth policy, and do not amend the zoning and are therefore not

prohibited between October 1<sup>st</sup> and the time a county adopts a growth policy. Some counties have decided not to accept zoning amendment requests until they adopt a growth policy, which is probably a wise decision. However, consult with your county attorney.

If your county did not adopt subdivision regulations in accordance with Senate Bill 116 by October 2, 2006 (the first business day after October 1<sup>st</sup>), and continued to accept subdivision applications after that date, the planners and county attorney will have to decide which provisions of Senate Bill 116 are effective without that adoption and what regulations apply to the application. A written memorandum to the file is recommended memorializing the decision. Some counties have considered not accepting subdivision applications until they do adopt revised subdivision regulations. Again, consult with your county attorney.

The Model Subdivision Regulations, prepared by a number of diverse parties, and amended by me in September, after conducting workshops across the state, are available on the MACo website at [maco.cog.mt.us](http://maco.cog.mt.us) and can be used as a guide. The Blue Book or **Montana's Subdivision and Surveying Laws and Regulations, which contains the Law Digest for subdivision cases**, is also posted on the MACo web-



## Ravalli County Commissioner Testifies on NACo's Behalf

Ravalli County Commissioner Alan Thompson gave the senate his **testimony concerning the the Bitterroot Valley's 2000 fire season that consumed 307,000 acres of National Forest Land and 49,000 acres of State and private lands.** His purpose was to present solutions to rectify the problems on forests that have suffered catastrophic events with Ravalli County as a prime example.

Thompson represented the Montana Association of Counties on the Public Lands Steering Committee of the National Association of Counties.

He spoke about the changes in the Federal Land Management policies, which has made tree mortality double the amount of timber being harvested. There is therefore a tremendous accumulation of biomass in the forest.

Thompson then moved to discuss how the biomass problem is what **led to Bitterroot's 2000 fire season, which has fire suppression costs exceeding \$54 million. In order to complete Bitterroot's recovery from the 2000 fires, another \$22 million is needed.**

He said that much of this cost could have been recovered by prompt action to harvest the burned trees before they lost their commercial value. The Burned Area Record of Decision identified the need to remove timber on 40,805 acres of burned, forested lands, but environmental organizations filed a lawsuit. A negotiation of treating 14,700 acres was reached; 4% of the 1.2 billion board feet available.

Thompson also spoke about how both Federal and State lands were burned in the fires, but because the State lands stimulated the economy, they were replaced in a timely manner while much of the Federal lands remain as they were after the fires. Now the trees are rotting and becoming fuel for future fires, and loose ground from fallen trees has caused mudslides that have closed both county roads and Highway 93.

Thompson had one suggestion to ensure future forests do not suffer the catastrophic events such as Ravalli County:

Focus needs to be on restoring ecosystems (Federal, State, and private lands) and communities in both the short and long term. There was a cross boundary approach that was first utilized in the Bitterroot and it was critical to the recovery that took place.

Approximately \$4 million of Forest Service State and Private Forestry Funds were invested, most frequently through matching grant programs, in private and community restoration needs. This work included fence replacement, emergency rehabilitation and slope and stream bank stabilization, reseeding and reforestation, and support to expand uses for wood products coming off burned areas and "green" fuel treatment projects.

The Federal Government's support was unique and made a significant difference in the ability to recover from the devastating affect of the fires.

The significant problems with recovery at this time:

Number one: the time it takes to move through the recovery process. A policy, such as the streamlined approach provided by HR 4200, is needed that allows federal agencies to expedite their processes when responding to emergencies. Each day the burned or downed timber loses value and increases the cost that will have to be borne by the taxpayers.

Number two: the average citizen needs to have a place at the table through their elected representatives, such as their county officials who are elected by and accountable to their communities. Neither the environmental groups nor the industry represent the vast majority of citizens in the affected area.

Number three: there should be a national policy that requires the posting of a bond when a lawsuit is filed. Many organizations file the lawsuits knowing that if any part of the judgment is ruled in their favor then all costs are born by the government. Some costs need to be assessed to each party and not just the government.

## WIR Conference Report October 3-5

By Mike Murray  
Lewis & Clark County Commissioner

The conference opened with a reception Tuesday evening. This was a great opportunity for representatives of the 18 states to renew acquaintances and share land-use and forest medication stories with each other.

October 4, the conference began with Mr. Jim Caswell, the Administrator of the Idaho Governor Office of Species Conservation and Mary Sexton, Director of DNRC in a roundtable discussion about recent state initiatives in endangered species management and forest policy issues. Both reported on the expense of this past fire season and the need for forest medication with homes in timber areas.

We reviewed NACo President Colleen Landkamers strategic focus for 2006-2007. In the session we discussed how WIR & RAC may be able to collaborate to contribute to NACo's success. RAC Chair Bill Kennedy was present and pointed to areas where RAC can complement WIR's goals and agenda.

Staff from both Senators' offices spoke very generally on the Healthy Forest Bill and the ESA before congress. Both indicated their bosses supported an increase in PILT funding.

The adopted priorities for WIR are:

- 1) Increased PILT funding.
- 2) Continued funding for the Forest Rural Schools Act.
- 3) ESA Reform.
- 4) Continue to support NACo's Meth campaign.
- 5) Sale of non-maintained public lands.

The budget proposed by NACo for WIR was approved as proposed.

**WIR was requested to provide an Amicus brief in Oregon's law suit, NEDC vs Brown, which is contending that forest road ditches, which drain natural runoff are "point sources" requiring permits under the National Discharge Elimination system.** The presentation to WIR pointed out the national implications for western forest counties. Hard Copy of the suit talking points, Commissioner Landkamer's strategic Focus, and the WIR budget are available at the MACo Offices.



## NACo Transportation Steering Committee Report: Part 2 of 2

Jamie Doggett, Meagher County

The NACo Transportation Steering Committee held two full days of meetings at the National Conference in Chicago. The focus of these meetings was to develop new policy in preparation for the reauthorization of the federal airport and aviation program, which expires next year, and continuing to monitor other relevant transportation issues. Congress must pass new legislation by September 2007 that both reauthorizes the airport programs such as the Airport Improvement Program and Essential Air Service and the user fees that pay for much of the federal programs. Several speakers from the aviation industry (airports, airlines, FAA and general aviation) presented their perspective on the proposed legislation.

The new highway and transit legislation (SAFETEA-LU) was signed into law last August; however, there are several issues that need to be continually watched. There is some concern that the Highway Trust Fund may not collect enough fuel tax dollars to fund SAFETEA-LU and the Transportation Steering Committee passed a resolution relating to this concern.

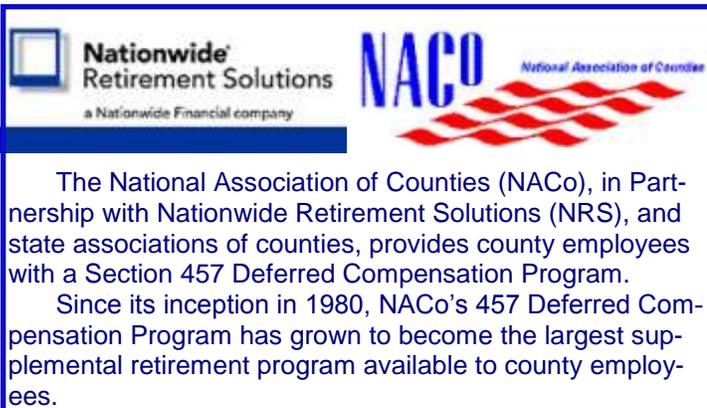
The Administration's FY 2007 transportation budget request is \$65.651 billion, up from the current year level of \$61.253 billion or 7%. There were many cuts in funding which the House and Senate added back into the budget for nearly every fund. The House approved its transportation appropriations bill on June 14, with the Administration's funding levels for highways and mass transit. They increased funding to the Airport Improvement Program to \$3.7 billion. Essential Air Service was increased to \$117 million. NACo President, Doug Kaercher will present Essential Air Service testimony to Congress during September committee hearings. Amtrak funding was increased in the House to \$1.114 billion. The Senate version of the Transportation Funding bill was approved by the Appropriations Committee in July. They provide for \$39.1 billion for the highway program and \$8.875 billion for transit. AIP is

funded at \$3.52 billion and Essential Air Service at \$117 million. The big increase in the Senate version is Amtrak which gets \$1.4 billion, substantially above both the Administration and the House levels.

Steering Committee work included passing the following resolutions:

- 1.) Resolution to support for Local Notification and Input Regarding the Foreign Sale of U.S. Ports. NACo supports the opportunity for input and consultation by local and state governments and other port officials when a sale of port facilities is proposed to entities controlled by foreign governments. NACo, with this resolution, urges Congress to pass legislation giving local and state officials input and consultation in situations where ports within their jurisdiction are proposed to be sold to foreign entities. This Resolution surfaced at the March 2006 Legislative Conference immediately following the potential ports sale to foreign entities, but was tabled and rewritten.
- 2.) Resolution on the Highway Trust Fund. NACo urges Congress to take the necessary steps to foreclose the possibility that the Highway Trust Fund will reach a negative balance prior to the expiration of SAFETEA-LU and to ensure that SAFETEA-LU is fully funded at its authorized levels for the life of the program.

A workshop entitled "Railroad: Friends or Foes" was organized due to interest expressed following a long discussion about the challenges posed by freight railroads at the March Legislative Conference. A number of railroad representatives were present to listen to concerns and give input. Major concerns were railroad crossing safety, commuter rail use of freight rail tracks and community building. There was no discussion of the Montana sponsored resolution for NACo support of the Railroad Competition Act.



**Nationwide Retirement Solutions**  
a Nationwide Financial company

**NACo** National Association of Counties

The National Association of Counties (NACo), in Partnership with Nationwide Retirement Solutions (NRS), and state associations of counties, provides county employees with a Section 457 Deferred Compensation Program.

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# Call to Counties

## County Radon Outreach Program Earn 300 Free Radon Test Kits for Your County!

Now in its second year, NACo is continuing its successful radon program in time for National Radon Awareness Month in January 2007. To raise awareness of radon, its health effects, and mitigation techniques, NACo is again conducting the County Radon Outreach Program. Your county could be one of ten counties to earn 300 free radon test kits.

The Environmental Protection Agency (EPA) has found that radon is responsible for about 21,000 lung cancer deaths every year. About 2,900 of these deaths occur among people who have never smoked, according to the EPA. Radon is an elusive radioactive gas that is invisible and odorless. It can seep through any crevice it may find from cracks in walls to gaps around pipes, and sometimes through the water supply. Radon's non-discriminating nature means it can enter any type of home or building - new or old, with or without a basement.

Last year, the ten counties to earn free test kits...

- Educated an estimated two million individuals,
- Produced at least sixty news articles,
- Created eighteen public service announcements,
- Delivered over thirty radon presentations,
- Distributed over 4,000 pieces of educational materials,
- Mitigated at least ten homes in just two months!

To earn radon test kits to distribute in your county, submit a summary of innovative activities planned to educate diverse and low income population areas of your county throughout the month of January 2007.

**Application Materials:** Submit a 1-2 page summary of your county's planned radon awareness and outreach activities for the month of January 2007. All activities and distribution of test kits should occur between Jan. 1, 2007 and Jan. 31, 2007.

**Qualification/Selection:** Applications will be considered based on the following components:

- Need in the county for assistance in radon outreach.
- Unique and innovative outreach, education and mitigation efforts for diverse and low-income sections of the county.
- Number of potential residents to be educated.

- Number of potential mitigated homes.
- Ability to inform additional populations of the county, including other residents, building contractors, building owners, etc.
- Planned follow-up activities.
- County Radon Zone (to determine your county's zone visit: [www.epa.gov/radon/zonemap.html](http://www.epa.gov/radon/zonemap.html)).

**Application Deadline:**

Monday, November 13, 2006  
5:00pm EST

**Mail Applications To:**

National Association of Counties (NACo)  
Community Services  
Attn: Kelly Zonderwyk  
440 First Street NW  
Washington, DC 20001  
OR

**Submit your application by e-mail:**

[kzonderwyk@naco.org](mailto:kzonderwyk@naco.org)

For more information, or to obtain a copy of the new NACo Indoor Air Quality Issue Brief on Radon in the Indoor Environment contact Kelly Zonderwyk at 202.942.4224 or [kzonderwyk@naco.org](mailto:kzonderwyk@naco.org).

Recipients will be notified by December 1, 2006 and will receive their 300 free radon test by the end of December.

Recipients of the 2005 Radon Test Kits through the NACo County Radon Outreach Program were. . . Archuleta, LaPlata, and San Juan Counties, Colorado

- Pocahontas County, Iowa
- **Hill County, Montana**
- Stanton County, Nebraska
- Hayes County, Nebraska
- Butler County, Ohio
- Edmunds County, South Dakota
- Carroll County, Virginia
- Skamania County, Washington
- Ozaukee and Washington County, Wisconsin

## County Commissioners Need Impact Fee Committee Members

The Flathead County Commissioners are seeking citizens to serve on the newly formed Flathead County Impact Fee Committee.

The committee will be made up of one commissioner, two members of the Flathead County Planning Board, and at least four residents of Flathead County. Per state statute, the committee must include a certified public account-

ant and a member of the development sector.

A letter of interest, including name, address, daytime phone number and qualifications, should be submitted to Mary Sevier, Flathead County Planning & Zoning Office, Earl Bennett Building, 1035 First Avenue West, Kalispell, MT 59901. Deadline is 5 p.m. on October 15.

For additional information call (406) 751-8200.



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# Have a Happy Halloween!



# Conclusions

## Attorney General's Opinions

Full texts are available at <http://doj.mt.gov/resources/opinionsindex2006.asp>

### Volume 51 No. 18

**QUESTION:** Is a municipality located in one county required to obtain approval from a neighboring county if it seeks to annex territory within the borders of the neighboring county?

**HELD:** **Cross-county annexation is permitted by Montana law and is not dependent upon county approval.**

### Volume 51 No. 17

**QUESTION:** May a county enter into an interlocal agreement with a city to effectuate an urban renewal multi-jurisdictional tax increment financing district (TIF) which includes the properties of both the city and the county? If such a district is allowed by law, which governing body will

have ultimate budget and spending authority regarding the TIF? May the county set up an industrial TIF consisting only of properties located within the county and subject only to county authority? If such an industrial district TIF is legally established, may funds generated from the TIF be utilized for improvements at MetraPark in Billings?

**HELD:** **An urban renewal project consisting in part of property outside a municipality is not permitted under the Urban Renewal Law. Tax increment financing may not be used to support such a project. Since MetraPark does not engage in a "secondary, value-added industry," financing for infrastructure improvements at MetraPark is not permitted under the Tax Increment Financing Industrial Development Act.**

On October 15, 1892, the U.S. government opened portions of western Montana to homesteaders.

On October 29, Daylight Saving Time ends.

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