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Court remainder ruling benefits counties

By Myra Shults, MACo JPIA Consultant Land Use Attorney

Remainders have no place in land divisions, according to a long-awaited ruling from the Montana Supreme Court in the *Mills v. Alta Vista Ranch, LLC* case filed three years ago by Gallatin County. The Supreme Court reversed an earlier district court ruling for the defendant that will benefit of all Montana counties. I was asked to address the decision, as there is some confusion about its applicability.

Background

The case was brought by Gallatin County to challenge an egregious practice by surveyors there to use the concept of "remainders" on certificates of survey to create unreviewed subdivisions. After the district court ruled against the county, it appealed.

The Montana County Attorneys Association and MACo filed amicus (friend of the court) briefs in support of the county.

The technique in question created a survey of a land parcel greater than 160 acres in size (not subject to subdivision review) with a "remainder" parcel considerably less than 160 acres in size, conveniently along a county road. This was done repeatedly, creating what looked like a subdivision, with absolutely no review. Gallatin County Clerk and Recorder Charlotte Mills believed she had to file these certificates of survey because of the "remainder doctrine" — a concept that now has hopefully died. The owner of the prop-

erty then transferred these "remainders" to other entities. Gallatin County finally brought suit against the entities commissioning the surveys.

The district court, in its earlier decision, found no fault with this technique.

District court decision concerns

Had the district court decision not been reversed, surveyors all over the state would have adopted this practice and Montana would have seen a plethora of unreviewed lots. A letter opinion to a county attorney from 1987, which was the genesis of the "remainder doctrine," and the *Mills* district court decision were used as justification for similar certificates of surveys during the appeal.

The district court stated Gallatin County should have used §76-3-625, MCA, to challenge the certificates of survey. That was a head-scratcher because this code section applies to the appeal of *subdivision* decisions and the surveyors were asserting the "remainders" were not a subdivision.

The district court also found the small lots shown on the certificates of surveys were not subject to the Montana Subdivision and Platting Act (MSPA), because they were designated "remainders." The Gallatin County Attorney's position was these small lots could only be created by subdivision—not by certificates of survey.

Please see "Supreme Court sides..." on next page

Online registration now available for 2008 Annual Conference

Don't wait to register for MACo's 2008 Annual Conference in Hamilton, Sept. 21-25, because the process couldn't be easier, thanks to our new registration Web site.

Visit this link and you'll be asked to complete an easy series of steps that will assure your place at the conference. Spouses may be registered, too, and several payment options are offered.

Early registration ends Sept. 10; after

that date, an additional \$25 fee will be assessed to the \$165 registration cost. You may register online until Sept. 18.

Exhibitors also may register online, as well as select booth space. A floorplan is available on the main MACo Web site.

For more information or assistance with motel reservations, visit the Web site or contact Karen Houston at (406) 444-4375 or macomtg@maco.cog.mt.us.



MACo News

Supreme Court sides with Gallatin County in remainder case

Continued from page 1

The Supreme Court decision

As a threshold matter, the Court clarified §76-3-625, MCA, [the section which, since 1995, has given the world the right to challenge subdivision decisions] did not apply.

Then the Court noted the definition of “subdivision” is a “division of land or land so divided that it creates one or more parcels containing less than 160 acres” as set forth in §76-3-103(15), MCA. The Court refused to accept the “remainder doctrine” created an exemption to the requirement the small parcels can only be created by subdivision, stating it refused “to read an exemption or an exception into the Act where the Legislature has not expressly provided for one” holding “Subdivision review is required when property is divided into lots 160 acres or less.” [But we all know it should have said “divided into lots less than 160 acres in size.”]

Interpreting the Supreme Court decision

Both the Community Technical Assistance Program (CTAP) and I received many inquiries about the Court’s conclusion: “Any division of land which creates a parcel smaller than 160 acres—regardless of whether larger parcels are also created in the same transaction—is subject to subdivision review under the Act, unless it is exempted from review under one of the statutory exceptions set forth in §76-3-201, MCA.”

After consulting with Gallatin County Attorney Marty Lambert and Kelly Casillas, an attorney for CTAP, we are recommending counties limit the decision to its facts. After June 17, 2008, counties should not file certificates of survey that depict parcels greater than 160 acres in size, leaving a “remainder” of less than 160 acres. Counties

also should not accept subdivision plats that depict “remainders” of less than 160 acres in size. Section V-G of the 2006 model subdivision regulations contains the provision that these parcels are lots in the subdivision.

The Court’s reference to §76-3-201, MCA, in its conclusion has caused the most concern. The briefs referred to §76-3-201, *et seq.*, MCA, which would have included all the exemptions in Part 2 of the MSPA.

As a practical matter, the only two exemptions where counties are likely to see “remainders” less than 160 acres in size are found in §76-3-207(1)(b) [family exemption] and §76-3-207(1)(c) [agricultural exemption]. Each of those exemptions is subject to review for evasion, unlike the certificates of survey filed in Gallatin County, which gives the county commissioners control over those certificates of survey.

Conclusion

The most conservative approach is only to apply *Mills* to certificates of survey which do not use an exemption found in the Subdivision Act, but rather depict a parcel or parcels greater than 160 acres in size, but also depict a parcel less than 160 acres in size. That certificate of survey fits the facts in *Mills* and it should not be filed.

If, however, a certificate of survey using a statutory exemption depicts two parcels less than 160 acres in size, that certificate of survey may be filed. Subdivision plats depicting a parcel of land less than 160 acres in size that is created by subdividing part of the land must now include that parcel as part of the subdivision. However, as always, counties should consult with their county attorneys about how to apply the decision.

Annual Conference exhibit spaces filling up, act now to reserve yours

Exhibit booth space at MACo’s Annual Conference in Hamilton, Sept. 21-25, is going quickly, so if your company would like to display its products or services to our membership of county elected officials, act now.

Exhibit spaces are reserved on a first-paid, first-served basis. To select your booth space location, you

must register choosing one of the three options at our online registration Web site. Also, you must register for the trade booth separately; the cost is \$500. Exhibitors will receive a complimentary Sunday night banquet ticket.

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MACo News

Insurance menu choices are more important than fast food

By Owen Voigt, MACo Health Care Trust Administrator

I recently went on a wilderness horseback trip with a good friend of mine. We went 28 miles into the Bob Marshall Wilderness. That first night in camp, with steaks on the grill over the coals, fried potatoes and cold Buds, we were doing just fine. It was a great trip with what my wife calls a typical outcome for me. I am not sure how or why she can call these things, but it was no surprise to her what happened next. On what was to be the last day of the trip, my remuda of broncs were grazing peacefully when they decided there was something in the bushes they did not like. Long story short, they left with all the gear, dust in the air and us a long way from the trailhead.

Those broncs forced me to participate in the transportation part of the trip. I had planned on riding in and out all the way. Between looking for the horses and the walking out, we walked about 35 miles in two days. When I go on trips like that, I usually take care of getting everyone and our camp into and out of the woods and others take care of the food. My idea of backpacking is carrying a lead rope while riding my big bay horse.

Walking has never bothered me, so while the walking took a lot of the snap out of our step, we made it to the trailhead just fine. When faced with a situation like that, you deal with it. The same is true of your health. Sometimes you are forced to participate because of either sickness or injury. Had I planned a little better or been more prepared, I could have saved my hiking shoes a lot of wear. The same is true of us and our bodies. Frequently, a little regular exercise and an annual exam can keep us in tip-top shape or at least let us know ahead of time if there is something we should be doing different.

It is usually when we do nothing that the big surprises

and possible bad outcomes result. While reading some wellness material this week, I found the leading health issue in the U.S. is being overweight. Just being overweight, not necessarily obese, leads to heart problems, knee and back problems, diabetes, and all types of issues. The HCT provides significant preventive and wellness benefits paid at 100 percent. What the HCT can't do is make you get a physical, exercise or eat right.

Our health care system has been defined as "out of control." Americans use the most health care of any country by cost. Many people expect miracles from their doctors and when they don't get the expected outcome, they sue them. The question really is what is out of control: is it the expectation of the medical profession or, in part, the lack of being responsible for ourselves and our health? Many of the problems people have now are tied to either being overweight or simply not getting enough exercise or eating right. Things happen and sometimes, no matter what we do, we still get sick. Everyone is different, so we at the HCT believe there is no program in a box that will make you better.

You have to choose to participate in your health and then do it. Start with a physical, find out what you need and do it. The HCT also provides free of charge the services of a caring, well-trained, nurse case management staff. These folks are here to assist you. For help with a plan or just someone to talk to who understands and cares, call one of them at APS Healthcare (888/874-3817). So please, don't necessarily walk through the Bob Marshall in two days (unless you want to) but actively and positively participate in your health. And be sure to tie a good knot in that lead rope.

Health Care Trust Calendar of Events

Oct. 10	January renewal rates mailed
Nov. 1-Dec. 15	January open enrollment period
Nov. 10	Annual MDCR Part D notice mailed
Nov. 14	January renewal rates deadline
Dec. 21-27	2009 Rx formulary mailed

MACo Telephone Numbers

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<i>Claims</i>	<i>JPIA/JPA Trusts</i>
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MACo/State News

Prepare now for ag reappraisal comments

The Montana Department of Revenue (DOR) will be sending detailed land productivity maps to all agricultural land owners this month. Here are some tips to help constituents understand how the maps affect their tax bill.

For the first time in more than 40 years, the department is performing an in-depth review of agricultural land use and its associated productivity across Montana. All agricultural producers will receive productivity reports and maps in the next few weeks. Because property taxes for ag land are based on productivity, there may be tax adjustments for certain producers.

The information on the maps will be the basis for tax valuation of agricultural land for 2009 and the foreseeable future. It is critical for your constituents to review this material to determine whether it accurately represents the current use and productivity of their land. If there are concerns, agricultural owners should contact the local DOR office as soon as possible to discuss inaccuracies. This is their one opportunity to correct errors before the department finalizes the information.

Urging agricultural producers to carefully review the maps and data they will receive this month, and to contact the department with any concerns, also can prevent a flood of constituents questioning their property value changes when their assessments arrive next year. If the taxpayer waits until the county issues the November 2009 tax statement, it will be too late to appeal valuations for 2009 when reappraisal takes effect.

To prevent a large number of questions, complaints, and appeals, we urge you to consider placing an ad in your local newspaper, or discuss the possibility of writing an article for it, to alert agricultural producers to the importance of reviewing the maps they will receive and making sure the information is accurate. A sample ad will be sent to commissioners from MACo soon.

For more information about reappraisal or the tax appeal process, visit the State Tax Appeal Board site at www.stab.mt.gov.

Counties add changes to MACo directory

Here are the most recent changes for MACo's 2008 Directory of Montana County Elected Officials:

Dawson County

Adam Gartner gartnera@dawsoncountymail.com
Doug Buxbaum buxbaumd@dawsoncountymail.com
Jim Skillestad skillestadj@dawsoncountymail.com

Rosebud County

Addresses ending with "rangeweb.net" now begin with the initial of the first name followed by the full last name, then ending with "rosebudcountymt.com."

If your county has any corrections to directory information, please send them to macopb@maco.cog.mt.us.

JPIA changes deductible billing

Effective July 1, 2008, MACo JPIA insurance deductibles will be billed to the insured when the full deductible has been expended on the claim or when the claim is closed, whichever occurs first.

In the past, deductibles have been billed when the claim was closed. The deductible amount applies to the cost of defense as well as any damages paid.

Additionally, billed deductibles are due within 30 days of the billing and will begin to accrue interest at a rate of one percent per month on the unpaid balance.

If you have any questions about the changes, please contact Claims Manager Keith Stapley at 442-1178 or keith@macoclaims.com, or Finance Officer Tom Swindle at 444-4374 or macofin@maco.cog.mt.us.

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Cybersecurity: An Overview of Key Issues

Fifth in a series

Remote access for employees

Policies on who gets access to your enterprise network through dial-up or a Virtual Private Network connection are not complete without policies on how remote access is tracked and monitored.

How certain are you that none of the employees who left your organization within the last year don't still have remote access to your network?

We disabled their accounts - you assert. What about the password a current employee loaned them some time back and hasn't changed since then?

Hiring and outplacement processes

Policies guiding the assignment of passwords, access to network resources, and applications all represent potential security risks. What about the damage that can be done on the way out the door?

That very sharp, well-mannered programmer you hired last year is this morning's disgruntled employee - with highly tuned technical skills and a thorough knowledge of your network. Unfortunately, there's nothing in the termination process that notifies your Webmaster that this person has been outplaced.

Policies and personnel training

Innocent mistakes made by improperly trained employees can be as damaging as disgruntled employees bent on leaving their "mark."

Remember several paragraphs back - the employee who doesn't mind sharing usernames and passwords? The motive is almost never malicious.

That screen saver Tom in the budget office downloaded from www.every-stupid-freeware-imaginable.com but just hasn't had time to install may contain a virus. If only he understood the dangers of downloading software from unknown sources.

Vendors

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MACo/NACo News

NACo committee report: Rural Action Caucus

By Bill Kennedy, Yellowstone County Commissioner and NACo Rural Action Caucus member

The Rural Action Caucus (RAC) met in Kansas City for the Annual NACo Conference. The meeting was well attended and an overview of our year and several priorities were discussed.

Summer MACo district meets set

The Summer 2008 MACo District Meetings have been scheduled as follows:

- Aug. 12 Districts 1, 2 & 3
Sidney, Elks Lodge, 123 Third St. W.
Mark Rehbein, 433-6806
- Aug. 13 Districts 6 & 7
Billings, MetraPark Yellowstone Room
Jerome Kolar, 566-2277
- Aug. 14 Districts 8, 9, & 12
White Sulphur Springs, Dempsey's Tavern,
24 E. Main
Bernie Lucas, 547-2139
- Aug. 19 Districts 4 & 5
Fort Benton, Ag Museum and Center, 1205 20th
Harvey Worrall, 622-3019
- Aug. 21 Districts 10 & 11
Missoula, County Courthouse (historic side),
Rm. 374, 200 W. Broadway
Judy Stang, 822-3553

District chairs are responsible for agenda setting and distribution to the district membership. Additionally, the district chair is responsible for the minutes and for lunch arrangements. If the lunch is no-host, please let the members know the cost so they can plan accordingly.

If any agencies, organizations, or individuals would like to present at any or all of the district meetings, please contact the district chairs noted above to make the request.

Also, please send your RSVP for lunch, as well as any agenda items you may have, to your district chairs as soon as possible. They will appreciate it.

In review, the Farm Bill reauthorization was a top priority and is a key 2008 NACo Legislative Priority. We moved up the traditional date for the RAC fly-in to coincide with a critical juncture in the Farm Bill Conference negotiations. Teams of RAC members met with key congressional negotiators and appropriators on March 5. We also worked throughout the process in partnership with the staff of Farm Bill Conference Chairman Sen. Tom Harkin (D-Iowa). On June 18, we finally did get a Farm Bill: the Food, Energy and Conservation Act of 2008.

While we did not reach all of our Farm Bill goals, RAC was instrumental in securing \$150 million in mandatory funding for rural development and another \$50 billion in discretionary spending that is subject to an annual appropriations process with very limited resources. The flexible rural funding vehicle that we championed, the Rural Collaborative Investment Program, is authorized at \$150 million over five years. The bill also contains important provisions for counties of all sizes such as nutrition assistance, conservation, food safety and renewable energy.

During the fly-in, we also focused on Secure Rural Schools as Congress continues to leave many rural counties in peril if SRS is not reauthorized.

Methamphetamine continues to be a national epidemic. This issue remains a RAC priority and we are pleased to see NACo implement its first Meth Forum in Albuquerque, N.M. on July 24.

We also continue to work on Interoperability and Telecommunications in rural areas, Rural Health, PILT funding, Food Safety/Identification, CDBG funding and infrastructure funding.

RAC maintains excellent relations with the Large Urban County Caucus (LUCC). We appreciate the caucus' work on numerous issues of mutual concern. We held a joint luncheon and heard from Dr. Maya Rockey Moore about the interdependence of urban and rural health care. We look forward to continuing this partnership on CDBG, health care and a host of other issues. We also hold a

Please see "NACo committee report: Rural..." on next page



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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NACo News



NACo committee report: Western Interstate Region

By Mike Murray, Lewis & Clark County Commissioner and Lesley Robinson, Phillips County Commissioner

On July 11, the Waters of the U.S. Task Force met to respond to questions and concerns of conference attendees. Later that morning, the Federal Land Payments Committee met and considered 22 resolutions, including the seven new ones. Also discussed was an urgent request to Congress to expedite a commercial leasing program, as was the right of access granted to owners of private land within the boundaries of national forests. Members also talked about the streamlined renewal process of grazing permits on public lands, as well as was local involvement in expansion of military bases, funding for natural resource management agencies, siting wastewater evaporation facilities, off-highway vehicle management on public lands, Waters of the U.S. recommendations, and gateway communities and the costs they bear without reimbursement for search and rescue cost in their areas.

That afternoon, WIR's Bill Hansell presented a report, and a resolution on waters of the U.S. was accepted by the body. All 21 other resolutions received by Public Lands were reviewed and discussed, then a motion was made and seconded to support all the resolutions

Cope reported little movement by the roadless area

advisory committee.

A U.S. Forest Service (USFS)/Bureau of Land Management (BLM) update was given by Randy Phillips and Cynthia Moses-Nedd; among the highlights: 75 percent of the USFS fire budget is spent on fighting fires. Senator Diane Feinstein (D-Calif.) will sponsor an emergency funding bill for this season. The forest service will join the cooperating agency partnership. BLM Solar and EIS applications are now being accepted. Grazing leases require a National Environmental Policy Act (NEPA) review prior

Please see "NACo committee report: WIR..." on next page



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NACo report: Rural Action Caucus

Continued from previous page

joint reception at the Legislative and Annual Conferences.

We are now planning for the year ahead. The RAC steering committee will hold its annual retreat this year in Santa Fe, N.M., Oct. 16-18. We appreciate the New Mexico Association of Counties special effort to host us at this important meeting where we will set our priorities for 2009.

New NACo President Don Stapley appointed me to another term as the chair of the Rural Action Caucus. Let me know if you are interested in attending the RAC retreat in October.



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NACo committee report: Community & Economic Development

By Cynthia Johnson, Pondera Co. Commissioner, NACo Board of Directors and Comm/Economic Dev. Committee Member

The Community & Economic Development Committee reviewed best practices and policy discussions for the week during its recent annual conference.

Housing Subcommittee

Broward County (Fla.) Commissioner Ilene Leiberman presented foreclosure prevention practices from her home county, which created a panel to develop a coordinated plan, including recommendations and strategies, to address the high rate of foreclosures in Broward County. The panel identified four focus areas, and the final report included 23 recommendations for dealing with the county's significant foreclosure situation. Some of those recommendations included a comprehensive public awareness campaign, an "anti-runaround" ordinance, borrower intervention resources mailed by the local clerk of court, expanded housing counseling services, and increased foreclosure prevention funding. The most effective tool for foreclosure prevention has been homebuyer education and homeownership counseling.

Rodney Tucker, representing the National Association of Realtors, presented a program entitled Home From Work, an employer-assisted housing benefits program to address the needs of local communities to educate and counsel homebuyers who also are their employees. The program involves free home-buying workshops, one-on-one housing counseling seminars and financial incentives such as forgivable loans, matched savings, or gifts to help employees purchase a home. More information on the program is available from the National Association of Realtors or by through your local Realtors or realty associations. Benefits of the program for the employer come as a highly effective recruitment tool, generation of employee loyalty, and lower training and retention costs.

Economic Development Subcommittee

Cynthia Stewart, director of community relations of International Council of Shopping Centers, presented on tax increment financing (TIF) and shared a best practices reference guide. The guide is available for free on the ICSC Web site. (Retail Development in Rural Communities was the reference published by ICSC in partnership with NACo.) Interest was particularly keen in how to prevent big-box stores from closing and simply becoming big boxes. There was much discussion regarding what a TIF

NACo committee report: WIR

Continued from previous page

to renewal; 87 percent of the leases have been completed with 135 now due. Montana has the most leases outstanding, but we were told "not to worry." Leases will be renewed with existing holders. BLM also has a new program, FAST (Fix A [Mine] Shaft Today).

Chairman Dahle drafted with help from Ryan Yates a brochure on public lands. PILT and Secure Rural Schools funding not moving but there is some optimism that before winter there will be legislation. We also talked about a brochure for new WIR board members that would include by-laws, mission statement, and top priorities of the WIR board.

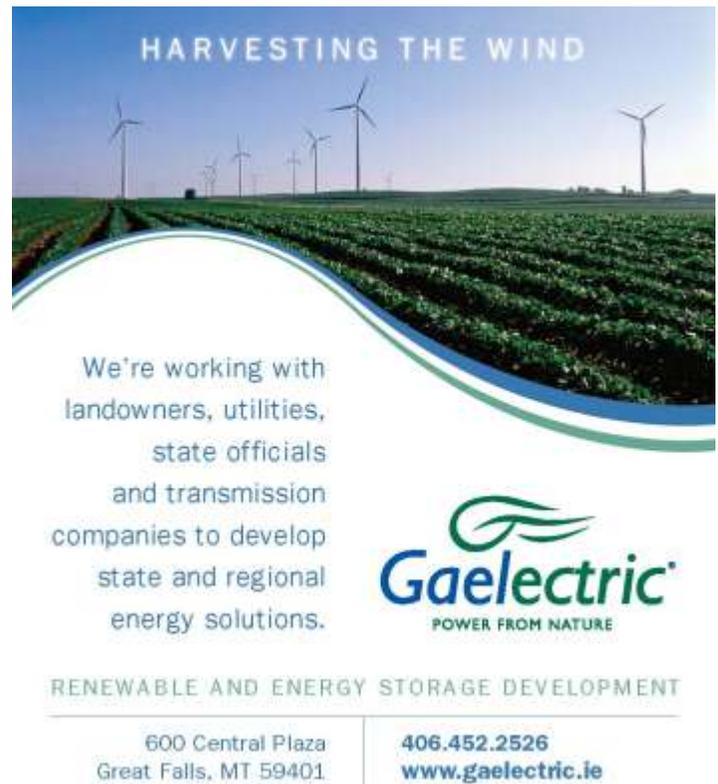
Nedd-Moses asked for support for a BLM effort to sell wild horses without limitation to any willing buyer.

On July 12, another report on the waters of the U.S. was presented and a unanimous motion was made to endorse the task force recommendation. The Federal Land Management subcommittee gave its report and further work on "PILT reform" was tabled for the time being. The resolutions discussed were passed as previously discussed. Public Lands is looking for a representative to the Wildfire Leadership Council; for more information, contact Liz Archuleta or Harold at MACO if interested. Fire experience is necessary.

The WIR board talked about an advocacy fly-in late next spring to Washington, D.C. There soon will be a new administration and Congress. The objective will be to educate everyone about WIR and related issues.

Our next meeting will be Oct. 8-10 in Susanville, Calif.

Please see "NACo committee report: Economic..." on page 10



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NACo News



NACo Annual Conference addresses partnership

From a NACo news release

MACo staff and Montana county commissioners participated in NACo's 73rd Annual Conference and Exposition in Jackson County, Mo., and pledged to work to help "Restore the Partnership" between The White House, Congress and counties.

The conference was held July 11-15 in the Kansas City Convention Center.

More than 3,000 elected and appointed county officials from across the U.S. adopted resolutions on national issues facing counties – such as emergency preparedness, infrastructure funding and access to healthcare – and participated in educational seminars and workshops to strengthen their public service skills.

NACo President Eric Coleman, commissioner, Oakland County, Mich., said for decades county and federal governments have worked together to answer the challenges facing the nation, but in recent years that partnership has diminished.

"The federal government has ignored the needs of counties and the levels of government have become more isolated from one another," Coleman said. "That's why the theme of the conference was Restore the Partnership."

County services and infrastructure are under great financial and operational duress across the country as a result of shrinking revenues, increased costs and in-

creased populations. In addition, emergency disaster preparedness and response challenges are overwhelming many understaffed and budget-crunched counties.

"That's why The White House and Congress need to Restore the Partnership with the nation's 3,068 counties to develop pragmatic solutions to our shared problems and responsibilities," said Coleman, who finished his one-year term as NACo president at conference-end.

The 2008-2009 NACo officers were installed July 15. Maricopa County, Ariz. Supervisor Don Stapley was elected president; Sonoma County, Calif. Supervisor Valerie Brown was elected president-elect; Gloucester County, Va. Supervisor Teresa Altemus was elected first vice president; Tarrant County (Texas) Judge B. Glen Whitley was elected second vice president, and Coleman was elected immediate past president.

During general session meetings before the entire conference, delegates heard presentations from several nationally renowned speakers, including former U.S. Comptroller General David M. Walker, who heads the U.S. Government Accountability Office; archeologist and writer Brian Fagan; award-winning director and writer Michael Cory Davis; advocate and author Ashley Rhodes-Courter; and Doris Kearns Goodwin, historian, author and commentator for NBC.



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NACo News



NACo committee report: Community & Economic Development

Continued from page 8

was, what the money could be used for and how the rules varied from state to state. Negotiating where the funds will be spent prior to actually creating the TIF is critical to maintain the peace between local governments. A presentation on TIFs is available from Cynthia Stewart.

Dan Kildee, treasurer of Genesee County (Flint), Michigan, spoke on dealing with foreclosure issues in Flint and how that relates to economic development in that community. Flint has seen employment from General Motors go from 70,000 to 10,000 in the last 10 years. Flint has developed community and economic development strategies through the tax collection process in Genesee County. Kildee discussed the tax lien process and how detrimental this antiquated system is to communities.

He also shared how his county was assuming ownership of foreclosed property rather than offering it for public auction. The property, after two years of delinquency, is titled to the county because the land has more value than the net gain of income through the sale of the land. Not all property is junk. Legislative action was required for the county to accomplish this process.

The county created a land bank authority, which is used to acquire the land through tax foreclosure and treats the property as development property. More than 7,000 properties in the last six years have gone to the county. As owner of the land, county is able to control the

use of the land. For more information, contact Kildee at dkildee@sbcglobal.net, or visit www.thelandbank.org or www.geneseeinstitute.org.

James Davenport shared the NACo information kit created as a result of his work on the Brownfields redevelopment project.

Resolutions reviewed

The committee reaffirmed old resolutions and passed support for new resolutions. One new late resolution was presented regarding the sub-prime bailout and requires those who receive federal foreclosure assistance to place their property into a deed restricted housing program, either local or federal. Such deed restriction shall require the home be owner occupied and any appreciation be adjusted with a price cap based on the local CPI. No action was taken in sub-committee.

Two other resolutions were considered from other committees; one from Public Lands Steering Committee regarding local involvement in expansion of Military Bases was approved for consideration by the full committee, while another from the Human Services and Education Steering Committee supporting veterans' funding and updating assistance securing loans for educational, housing and medical costs was approved for consideration by the full committee.

Please see "NACo committee report: Economic..." on next page



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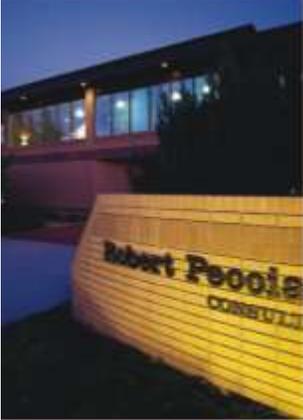


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NACo News



NACo committee report: Community & Economic Development

Continued from previous page

Full committee meeting

Bob Jones, National Association of Home Builders treasurer, gave a presentation on the state of the housing industry and the economic effect of that downturn on local communities across the nation. He spoke extensively about the provisions of the proposed Congressional stimulus action on housing. Jones estimated 400,000 home owners would benefit from the tax credit provision alone. Visit www.nahb.org/economicstimulus for more information.

Jacqueline Byers, research director for NACo, discussed a foreclosure survey report she completed. The survey was sent to 112 urban counties (population greater than 500,000). The complete report is available online at naco.org.

Daria Daniel, NACo staff, has moved to the Community and Economic Development Committee from the Labor and Employment Steering Committee. She gave a short legislative update and reminded the committee to get engaged with the legislative issues and contact our Congressional delegations when necessary.

John Murphy, NACCED staff, reviewed HR 3221, the Foreclosure Prevention Act. There are provisions in the act under threat of presidential veto, but both the Senate and the House appear to have the votes for an override if necessary.

Commissioner Ilene Lieberman gave a Large Urban County Caucus report and Commissioner Sam Fulton gave a Rural Action Caucus report.

Resolutions

The full committee considered the resolutions as presented and recommended from the respective subcommittees. The old resolutions were reaffirmed. A new resolution to support the Cook County (Illinois) efforts in hosting the 2016 Olympic and Paralympic Games was approved. The resolution from the Public Lands Steering Committee regarding local involvement in the expansion of military bases was approved.

The resolution from the Human Services and Education Steering Committee was proposed to be amended to address the need to accommodate adequate assistance securing loans for educational, housing and medical costs and was approved for consideration by the full committee. With the amendment, the resolution will be returned to the Human Services Committee for approval.

An emergency resolution to address the sub-prime bailout was presented by the State of Colorado. The motion to consider the resolution failed.

Commissioner Mike McGinley and Commissioner Cynthia Johnson attended a combined committee meeting symposium of the Labor and Employment Committee and the Community and Economic Development Committee. They heard five presentations by people from around the country regarding best practices of communities that combined their efforts of marketing, economic and workforce development.

Obesity database debuts

NACo in July announced the release of the Healthy Counties Database, a new resource containing more than 100 profiles of model policies, programs and initiatives that counties nationwide enacted to prevent childhood obesity.

The database is designed to help county officials promote healthy living by improving the health of their environments.

To view the database, visit www.healthycounties.org/database

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Around Our Counties

Law Enforcement

STILLWATER COUNTY's former deputy prosecutor was charged in June for a interfering with police in a Red Lodge bar fight last March. The man, who remains on the county payroll as a contract civil attorney, pleaded not guilty. A June trial was moved to the fall.

YELLOWSTONE COUNTY is facing a human rights complaint from a deputy who said he was punished by a captain for agreeing to testify in a federal discrimination case. The deputy, who filed the complaint with the state in July, was charged with dereliction of duty, although the charge was later cleared. The captain already had been added to the federal case in May after referring to its plaintiffs as "the three Mexicans."

LINCOLN COUNTY has a new deputy sheriff: Maury McKinney. A Eureka native who started in April, McKinney served in the U.S. Navy before relocating to Montana to work for Plum Creek Timber. Once he completes local training this year, he'll attend the state police academy in 2009.

Personnel

DAWSON COUNTY is sharing a new sanitarian with Prairie and Wibaux counties. Mike White, a Glendive native hired in June, replaces Dennis Snow, who retired in April. A graduate of Dickinson State University, White will work under Snow until he passes his national registration exam.

RAVALLI COUNTY Planning Director Karen Hughes announced her resignation in late June. Hughes, who served as interim director following the departure of Pat O'Herren, took a position with Missoula County like O'Herren did before her. Commissioners are working to adopt countywide zoning by November, when its interim zoning regulations expire.

GLACIER COUNTY DES Coordinator Jim King retired in July. King, who's held the position since 1989, also served as the county safety director. Due to his efforts, he and the county in February received a MACo award for having the highest decrease in workers' compensation claim frequency

for medium to large counties in 2006-2007.

BUTTE-SILVER BOW COUNTY hired Tom Loggins as road foreman in early July. Loggins, who's worked more than 14 years in the road department, replaces Jim McCarthy, who retired in June after 35 years with local government. A second cousin of singer Kenny Loggins, Tom Loggins previously worked for Montana Resources.

PARK COUNTY commissioners appointed a new commissioner in June: their former administrative assistant. Kris Denton, who has served the board for the last eight years, will fill the remaining four months of Dick Murphy's term. Denton will not run for the seat this fall; the race is between Stacey Sunvison and Randy Taylor.

between the ranch owners and the county.

GOLDEN VALLEY COUNTY will receive a used fire truck from Yellowstone County following the destruction, by fire, of the former's fire department building. The donation of the 1953 vehicle, previously used by the Duck Creek Fire District, was possible because the county declared the truck surplus equipment.

SHERIDAN COUNTY's courthouse underwent a major renovation in July when its front doors and several windows were replaced. The \$38,000 project will improve the courthouse's energy efficiency, as the doors are decades old and the windows date from 1938 when the structure was built.

JEFFERSON COUNTY coffers will continued to be filled by tax revenues from the Gold Sunlight Mine. Barrick Gold, owner of the Whitehall mine, said in late May it would proceed with an expansion that would extend the mine's life until 2015. The mining industry represents about 40 percent of the county's tax base.

Miscellany

TETON COUNTY has been prohibited by court order from spraying weeds near an organic ranch. A district judge ruled in July that county road right-of-way couldn't be sprayed adjacent to the Choteau ranch. The action is the latest move in a lawsuit

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Announcements & Reminders

Mark Your Calendars

August

- 4-15 District Meetings (see page 6 for more info)
- 12-13 Water Policy Interim Committee*
- 18-22 Montana Association of Clerks & Recorders Annual Conference, Missoula
- 21 State-Tribal Relations Interim Committee*
- 21-22 Children, Families, Health, and Human Services Interim Committee*
- 24-27 National Council of County Association Executives Execs/Insurance Staff Conf., Harrisburg, Pa.

September

- 4 Energy & Telecomm. Interim Committee*
- 4-5 **Education & Local Gov't. Interim Committee***
- 8 MACo Resolutions Committee Meeting
- 8-9 Environmental Quality Council*
- 10 Revenue & Transportation Interim Committee*
- 12 Economic Affairs Interim Committee*
- 12 Fire Suppression Interim Committee*
- 15 Law & Justice Interim Committee*
- 15-18 MT County Treasurers Association Conference, Heritage Inn, Great Falls
- 16 Legislative Council*
- 21-25 MACo Annual Conference, Hamilton

Upcoming Events

- Nov. 18-20 MACo Joint Ins. Pools Trustees Retreat, Forsyth

*All meetings are held in Helena unless noted.

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9. Bernie Lucas, Meagher County
10. Gary Hall, Flathead County
11. Judy Stang, Mineral County
12. Tom Rice, Beaverhead County

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