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RESOLUTION 2020-04

ALLOW TAX ASSESSMENT FOR COLLECTING FEES FOR OPERATION EXPENSES RELATED TO WATER & SANITARY RSIDS AND MSSDs

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

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

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

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

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

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

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

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

SPONSOR:	DAWSON COUNTY
RECOMMENDATION:	DO PASS
REFERRED TO:	MACO RESOLUTIONS & LEGISLATIVE COMMITTEE
ADOPTED:	ANNUAL CONFERENCE – OCTOBER 1, 2020