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MACo Executive Committee

President ................................................................. Connie Eissinger ........................................... McConr County
1st Vice President ..................................................... Greg Chilcott ................................................. Ravalli County
2nd Vice President ..................................................... Joe Briggs .................................................. Cascade County
Fiscal Officer .......................................................... Cynthia Johnson ........................................... Pondera County
Urban Representative ................................................. Andy Hunthausen ...................................... Lewis & Clark County
Past President ......................................................... John Ostlund .............................................. Yellowstone County

Past Presidents Serving as County Officials

2010 .......................................................... Carl Seilstad .................................................... Fergus County
2009 .......................................................... Mike McGinley ................................................. Beaverhead County
2007 .......................................................... John Prinkki .................................................. Carbon County
2005 .......................................................... Bill Kennedy .................................................. Yellowstone County
2003 .......................................................... Carol Brooker .................................................. Sanders County
2003 .......................................................... Vic Miller .......................................................... Blaine County

District Chairs

District 1 .......................................................... Richard Dunbar ............................................ Phillips
District 2 .......................................................... Douglas Buxbaum ........................................ Dawson
District 3 .......................................................... Donald Reiger ............................................. Fallon
District 4 .......................................................... Russ Tempel ................................................ Liberty
District 5 .......................................................... Arnold Gettel ............................................... Teton
District 6 .......................................................... Ken Ronish .................................................. Fergus
District 7 .......................................................... Maureen Davey .......................................... Stillwater
District 8 .......................................................... Gail Vennes ................................................ Broadwater
District 9 .......................................................... Randy Taylor ................................................. Park
District 10 .......................................................... Tony Berget ................................................ Lincoln
District 11 .......................................................... Jean Curtiss .................................................. Missoula
District 12 .......................................................... Tom Rice ..................................................... Beaverhead

Elected Official Association Representatives

Leo Gallagher ....................................................... Lewis & Clark County ................................. County Attorney
Paula Robinson .................................................. Flathead County ............................................ County Clerk & Recorder
Marilyn Craft ......................................................... Jefferson County ........................................... County District Court Clerk
Steve Immenschuh ............................................. Granite County ............................................ County Coroner
Gary Olsen ........................................................ Broadwater County ..................................... County Justice of the Peace
Diane Inbody ......................................................... Teton County ............................................ County School Supt.
Dave Rau .......................................................... Lewis & Clark County ................................. County Sheriff’s Office
Kim Buchanan .................................................... Gallatin County .......................................... County Treasurer
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The Montana Association of Counties is one of the oldest organizations in Montana. Organized in 1909, MACo today works to anticipate rapidly changing and complex challenges facing Montana’s 56 county governments.

MACo staff provides commissioners with research, training and technical support and services, monitors legislation and works with state agencies in helping shape public policy.

The “Montana Association of Counties Policy Statements” booklet is a compilation of issues, which members have identified as major concerns and goals of county government.

Our legislative process is structured around the participation and involvement of all member counties. These policies have received the members’ endorsement at conventions, and present the overall consensus of the MACo membership. The resolutions, which were passed at the most recent convention, are included in this document as well, starting on page 15.

On behalf of the MACo Board of Directors and the Resolutions & Legislative Committee, we present the duly adopted “Montana Association of Counties Policy Statements” booklet, effective September 2010-2012.

2010-2012 REAFFIRMED MACO POLICY STATEMENTS
All Policy Statements were reaffirmed as of the MACo Annual Conference, Billings, MT, September 29, 2010.

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**Agriculture**

The importance of agriculture to Montana citizens and the state’s economy can’t be emphasized enough. Agriculture is Montana’s economic underpinning as the largest basic sector of Montana’s economy. MACo is committed to supporting legislation and policy that will positively influence the economic preservation of family-owned and operated farms and ranches.

1. MACo supports federal and state legislation directed at increasing overall economic stability for producers of raw materials (food and fiber) who are entitled to a fair share of America’s prosperity.

2. MACo encourages innovative ways to add value for the producers of agricultural products as a means of economic development.

3. MACo supports unifying all levels of government to combat the spread of noxious weeds, which is rapidly increasing and having a statewide impact on agricultural crop production and is diminishing forage capacity for wildlife as well.

4. MACo supports research in regard to the proper use and application of biocontrol, pesticides, herbicides and fertilizers as well as research into alternative crop production and innovative uses of technology.

5. MACo encourages efforts to ensure the quality of Montana grain and livestock is preserved when marketing that product abroad.

6. MACo encourages overall expansion of production and taxing agricultural land based on the value of production.

7. MACo supports promoting land use policies and programs which reinforce private property rights of agricultural landowners and preserve property values. Agricultural management should be the primary land use in areas where operational factors such as productivity, adjacent land uses, and landowners’ objectives are viewed to be conducive to the viability of agricultural production.

8. MACo supports the de-listing of the Gray Wolf as an Endangered Species.

9. MACo believes that the United States Fish and Wildlife Service be required to provide the State of Montana with sufficient funds to properly manage the wolf population in Montana.

10. MACo supports the completion of a Supplemental Environmental Impact Statement to reflect the unanticipated consequences of the re-introduction of Gray Wolves.

11. MACo opposes any action creating artificial boundaries or a “split state” status, which could and likely would threaten the health of the Montana Cattle industry.

12. MACo opposes the creation of a buffer zone around Yellowstone National Park for the migration of animals.

13. MACo supports the maintenance of the existing Farm Service Agency offices in Montana targeted for closure.

**Community, Economic Development & Labor**

MACo is committed to assisting counties in the worldwide transition to a global economy by adapting to the changes in technology, infrastructure, workforce development, marketing, and business development.

1. MACo supports and assists in both establishing and strengthening partnerships between our governments at all levels, our schools and universities, both public and private, and the private sector to achieve the common goal of a healthy economy and future development opportunities.

2. MACo believes that telecommunications, transportation, rural water and wastewater systems, as well as workforce transformation and development needs must be addressed to allow counties and their citizens to compete and share in our nation’s prosperity.

3. MACo believes that telecommunications infrastructure, particularly broadband data communications in this Internet Age, can neutralize both of the major barriers to rural economic growth (distance and lack of economies of scale—smaller market sizes) and level the competitive playing field.

4. MACo is committed to assisting counties in their efforts to provide inexpensive and available transportation for moving products from the farm to the market, located in or out of state.

5. MACo is committed to the expansion of a variety of tools, which are currently provided by state law to municipal governments, to include use by the county governments of Montana. These tools assist in the development of infrastructure that is essential to economic development opportunities. Of particular importance to MACo is the simplification and expansion of Tax Increment Financing opportunities for counties.

6. MACo believes that Montana’s tax structure must not be allowed to serve as an obstacle to economic growth by placing unfair burdens on any one sector of taxpayers.

7. MACo believes that local governments need to continue to support existing businesses’ efforts to compete in the new economy and encourage new business development. This can be done by:

   A. Supporting existing or new economic development corporations, either on a local or regional basis; and

   B. Supporting efforts to stimulate the growth of venture capital and venture capital undertakings, specifically as they relate to value-added businesses and increasing the use of tax increment financing, industrial development bonds and CDBG-ED programs at the county level.

8. MACo believes that our Schools and universities are important to economic growth and development and will continue to assist counties in their efforts to be a part of the public discussion to determine funding levels for education. The goal must be to arrive at a funding level that maintains a strong educational program that supports not only K-12 but also learning for life opportunities without requiring service cuts in other essential government services. We place particular value on training programs designed for the available job market and on efforts to remove the remaining obstacles to the transfer of post secondary credits between the full range of Montana’s post secondary educational facilities.

9. MACo supports summer youth employment programs.

10. MACo endorses a true partnership between local elected officials and the various state programs such as SWIB, CDBG, the Montana Workforce Training Grant Program, and the Montana Incumbent Worker Program.

11. MACo believes that economic development must begin at the local level and involve the entire community. MACo is...
(Community, Econ. Dev. & Labor continued . . .)

committed to assisting counties with their land-use planning activities that include maintaining and preserving a healthy downtown and main street, open space, outdoor recreational activities such as hunting and fishing and growth development plans.

12. MACo supports the exemption of “Earmarked” Federal Funds that flow through state agencies from any Statewide Cost Allocation Plan.

Energy

1. MACo seeks a comprehensive and integrated approach to an energy policy that balances increased domestic oil and gas and coal production on public and privately owned lands.

2. MACo seeks a comprehensive and integrated approach to an energy policy that accelerates development, research and incentives for alternative and renewable, energy efficiency programs, and clean coal technologies.

3. MACo seeks a comprehensive and integrated approach to an energy policy that gives local governments a central role in formulating environment, energy and land use policies.

4. MACo seeks a comprehensive and integrated approach to an energy policy that supports environmental issues.

5. MACo seeks a comprehensive and integrated approach to an energy policy that continues energy conservation programs that reduce consumption and encourage efficient energy use.

6. MACo supports state and federal funding and other incentives to promote research, explore the interrelationships among energy, capital, labor, and materials, and the technological problems of energy systems. Federal research efforts should be broad-based, unbiased, and equitable among the various energy technologies, with the results of the research being disseminated by all levels of government and the private sector through a variety of public education technologies.

7. MACo supports state and federal funding and other incentives to promote nationwide energy conservation efforts. To facilitate decentralized energy conservation activities, the federal government should seek input from local government on implementation and continue to adequately fund the following conservation and fuel assistance programs:

   - State Energy Conservation Program
   - Energy Extension Service
   - Institutional Conservation Program
   - Weatherization Assistance Program
   - Low Income Housing Energy Assistance Program
   - Energy STAR Program

8. MACo believes the state and federal government should work with local governments in the research, development, and implementation of energy efficient building standards.

9. MACo supports nuclear power as a component of a comprehensive energy program. MACo encourages the continued research, improvement and development of nuclear power and related technologies that add to its safety and efficiency.

10. MACo supports increased federal resources for researching and developing renewable energy technologies, including wind, solar, geothermal, biomass, electricity from landfill gas, and other forms of waste-to-energy which will achieve the objective of clean and safe forms of energy.

11. MACo supports increased and multifaceted federal efforts to increase renewable energy sources and consumption, including consumption incentives to all levels of government to encourage purchase of renewable energy, industry tax incentives, such as R&D credits, encouragement to co-ops to replace wired electricity delivered to remote rural areas that are not cost effective, and further public and private partnerships.

12. MACo supports the siting and permitting regulations of new wind projects to remain at the county level of government.

13. MACo supports legislative and/or budgetary relief that speeds the permitting and siting process for new transmission lines through the Department of Environmental Quality.

14. MACo believes all energy programs should be periodically reviewed and analyzed for efficiency and effectiveness in achieving their goals. Programs that are found to be ineffective or inefficient should be reengineered in collaboration with county, state, and other local governments.

15. MACo supports a national policy promoting lower pollution vehicles, such as alternative fuel vehicles (AFVs), hybrids and high efficiency vehicles (HEVs), and advanced technology vehicles.

16. MACo supports a national strategy, including tax incentives, rebates, and promotions, to increase the purchase of lower pollution vehicles by private businesses and all levels of government, including tax. Federal policy must be established to ensure the availability of a refueling infrastructure and of competitively priced, reliable alternative fuel and alternative fuel vehicles, and should consider its impact on gas tax revenues and the highway trust fund before requiring conversion of motor vehicle fleets.

17. MACo supports an increase in fueling infrastructure stations to support the promotion of AFVs.

18. MACo supports the Department of Energy’s efforts to decrease reliance on foreign oil by focusing on alternative fuels such as ethanol, methanol, compressed natural gas, electricity, and biodiesel, among other agents. The ethanol used in E-85 is a renewable fuel that provides benefits to American farmers and rural areas of the country.

19. MACo supports increased fuel economy for trucks and cars to reduce fuel costs and air pollution that are economically feasible.

20. MACo supports the following principles of reliability, equitable benefits, social and environmental impacts, and stranded costs in any attempts to restructure the delivery of electricity:

   A. The federal government should work in partnership with state and local governments if it plans to restructure the nation’s electric industry.

   B. Any transition to a competitive generation market should provide sufficient time, in line with the magnitude of the change, for counties to adapt to the new structure, avoid disruption of service to the public, and adjust to potential changes in tax revenues.

   C. Under any restructuring, counties, either individually or on a regional basis, should have the opportunity to consider combining the electric loads of various users and negotiate the purchase of electricity on behalf of those consumers.

   D. Any restructuring should include a transition period during which legitimate stranded costs can be recovered in a
just and reasonable manner as determined by state law.
E. Counties should continue to have the authority to issue franchises and/or taxes and no federal or state action should preempt or interfere with county revenue authority.
F. Counties should retain full authority over its own right-of-ways and recovery costs for their use.
G. Recognition of electrical, geographic and institutional differences such as the western and eastern electrical grids having different features and challenges.
H. DOE and state utility commissions continuing their important role in ensuring that all consumers can count on the long-term integrity, safety, and reliability of their electricity service.

**Health & Human Services**

MACo endorses the progressive broad definition of health, education and human services with emphasis on interdependency of programs, governments are the primary providers of basic human services, and public health to protect and enhance the lives of citizens.

1. MACo endorses the concept of flexibility of administration and local control of health, education and human services programs, in order to provide the most efficient service to Montana citizens.

2. MACo believes that county agencies, public health and environmental departments must be involved in the planning and development of health and related services, as the counties are providers of public health and medical care.

3. MACo endorses the Montana Public Health Improvement process in its effort to strengthen the prevention programs and to focus resources on health threats determined to be priorities in communities and the state.

4. MACo supports the full implementation of the Montana Indoor Clean Air Act, and opposes any attempts to repeal, delay the implementation of, or further expand the Act.

5. Many human service programs are originated at the state or federal level, and counties are directed to implement them. Therefore, counties should be reimbursed for the cost of services mandated by state or federal programs. These programs include, but are not limited to domestic violence, aging, homelessness, migrants, environmental protection, AIDS and childcare services.

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

7. MACo opposes any privatization of DPHHS eligibility determination programs, unless it can be demonstrated that privatization can be efficient and cost effective.

8. MACo believes the ability of families to care for their own must be ensured and safe-guarded by society. If the parents fail, it is society’s responsibility to provide for alternative arrangements, which are permanent and which meet the child’s physical, mental and emotional needs. Childcare services are critical to the protection and developmental needs of children.

9. MACo supports increasing the current acreage threshold for solid waste disposal from 5 acres to 160 acres.

10. MACo supports increasing funding to chemical dependency treatment programs throughout the state.

11. MACo supports efforts to increase public health inspection fees to reduce the property tax subsidy of the inspections and reimburse the actual cost of performing inspections.

12. MACo supports efforts to fund the Older Montanans Trust Fund and to increase state funding for local aging services that do not reduce county revenue sources.

13. MACo encourages the Board of Medical Examiners to provide Montana First Responder Volunteers convenient testing venues in order to complete testing and certification requirements in a reasonable time frame with minimal travel at their own expense.

14. MACo supports the presumptive eligibility programs through the Montana Department of Public Health & Human Services.

15. MACo believes that all Montana Public Schools participating in the USDA School Food Program must be in compliance with Montana Rules for Food Service Establishments within all County’s School District’s Public School Food Service Establishments according to Montana Law, prior to receiving USDA support.

16. MACo supports efforts that will raise public awareness about the importance of local public health departments’ preparation for National Public Health Accreditation, thereby supporting a strengthened public health system for the state, and MACo supports local public health departments in their efforts to improve and protect the health of every community by advancing strategies that strengthen the foundation, quality, and performance of local public health departments.

17. MACo supports legislation that would increase the maximum veterans’ interment allowances.

**Information Technology**

**Telecommunications/Interoperability**

MACo recognizes the need for coordination of information technology application among counties and implementation of current electronic modes of communication. County government must address customer demands for accessible information, internet communication, and efficient government business transactions.

1. MACo promotes the implementation of technology within counties by educating County elected leaders on relevant technology-related issues that enable them to make informed business decisions.

2. MACo promotes the implementation of technology with counties by having a voice in emerging State information technology policy formulation.

3. MACo promotes the implementation of technology within counties by disseminating new information about technology issues, programs, and funding opportunities.

4. MACo promotes the implementation of technology within counties by communicating and sharing ideas with other counties and their IT officials.
(INFORMATION TECHNOLOGY continued . . .)

5. MACo promotes the implementation of technology within counties by recommending best practices and sharing expertise among counties.

6. MACo believes that any other agency that develops and/or implements technical solutions that impact Counties needs to do so with an awareness of the impact on county finances and resources and that any negative impacts be mitigated and/or reimbursed.

7. MACo supports building a statewide interoperable trunked radio communications system that will provide users a stable, reliable, sustainable and secure voice and data digital communication system for public safety.

8. MACo supports the system being based on current federal and state communications standards (ODP, Statewide Interoperability Executive Council (SIEC) & Project 25) in which local, tribal, state and Federal public safety and emergency management representatives can operate autonomously and transition seamlessly to communicate effectively in an all-hazard emergency mission role.

9. MACo supports Interoperability Montana as a voluntary coalition of participating county governments, tribal nations and state agencies.

10. The MACo Interoperability Committee will work to promote the statewide interoperable system by communicating the governance structure and plan developments, and assisting with marketing and educational outreach at the local, state and federal levels.

JUSTICE & PUBLIC SAFETY

MACo recognizes the current problems encountered by counties in the area of criminal justice and public safety. MACo encourages positive actions to strengthen the attack on the problem and thereby promote and protect the public interest.

1. MACo supports that state, federal and city/town governments reimburse counties for certain services, such as prisoner care.

2. MACo believes that reimbursement rates should reflect actual costs for services.

3. MACo supports that district courts routinely order prisoner evaluations at Warm Springs State Hospital.

4. MACo believes mental evaluations should be conducted in local mental health treatment facilities, when available.

5. MACo endorses state and federal funding for jails, as the federal government established standards for jails, and many county jail facilities were built nearly 100 years ago.

6. MACo supports state financing of district courts in conjunction with the concept that the courts are a state system.

7. MACo endorses limiting judicial expenditures in excess of adopted county budgets and opposes judicial orders of additional expenditures above the adopted county budget.

8. MACo believes that the state should continue to support the concept of regional juvenile detention facilities.

9. MACo supports legislation to allocate state funding to regional boards for operation and maintenance of regional juvenile detention facilities.

10. MACo further believes that additional property tax authority should be established for the financial needs associated with juvenile detention services and facilities.

11. MACo believes that counties should be reimbursed for detention costs from the date of conviction or guilty plea to the date of sentencing, and the state should be responsible for the detention costs.

12. MACo supports allowing counties to conduct random drug testing of county employees in hazardous work environment or safety-sensitive positions in addition to those employees covered by federal laws and regulations.

13. MACo supports full funding of grants to counties under the Montana Youth Court Act and funding to recognize the frontier status of Eastern Montana Counties—the distances law enforcement must travel for purposes of providing adequate youth detention services.

14. MACo supports the extension of the “84-16” sunset in the existing 9-1-1 statute, 10-4-313, MCA for the enhanced wireless account.

15. MACo supports a legislative interim study on interoperability for public safety communications in Montana, and the study should address the issues of funding sources for sustainability of the project including the funding for operations, maintenance and the completion of the construction build-out, and clarify the identity of Interoperability Montana and the relationship between Interoperability Montana, federal, state, tribal and local governments, and the Legislature and that members of all user groups be participants in the study including county commissioners, sheriffs, DES coordinators, and emergency response groups, as well as state, federal, and tribal stakeholders.

16. MACo supports providing county governing bodies the authority to enact social host ordinances.

17. MACo supports funding of court security in district, county, justice, and municipal courts as appropriate, which in part, should come from those creating the potential threat to the judicial system and those participating in it.

LAND USE PLANNING & DEVELOPMENT

1. MACo believes that the protection of the environment and the wise development and utilization of our natural resources are essential concerns of all citizens and all levels of government.

2. MACo urges greater commissioner representation on all boards, commissions and advisory bodies related to the field of natural resources.

3. MACo affirms the need for responsible county planning and community development in all counties in the state by encouraging government officials to control land use to preserve agricultural and other open space lands.

4. MACo affirms the need for responsible county planning and community development in all counties in the state by assisting in the coordination of local planning and development activities with state and federal agencies and by acting as an information source to counties on current state and federal legislative developments.

5. MACo affirms the need for responsible county planning and community development in all counties in the state by recognizing that counties are the most appropriate governmental unit to oversee the development of new communities and assess the e
(Land Use Planning & Dev. continued . . .)

Councils.

planning and policy decisions.

the local level by local government officials.

in the initiation and refinement of federal planning efforts.

ing, but should provide a uniform, flexible framework to guide development.

only a high degree of environmental protection, but also preserves and enhances local community sustainability. County officials and their constituents are keenly aware of the historical, economic and aesthetic values of their local environment and they are certain of the need to prepare for a sustainable future to assure the viability of their communities. Therefore, it is imperative that the federal and state governments work cooperatively with county and other local governments on such policies.

should be the agency to coordinate planning between state, federal, regional, and local levels.

provide for the inventory and analysis of data and make the information available to local governments.

 recommendations for allowable exemptions.

planning activities, should be utilized for any planning programs deemed appropriate by Boards of County Commissioners.

While MACo continues to support the concept of local governments as the foundation of effective planning, there is a role for state government in the process.

that, as a coordinator, should provide for the inventory and analysis of data and make the information available to local governments.

should develop greater ability to provide specialized technical service where county government cannot support such specialization.

should coordinate and encourage planning programs at all levels of government.

should provide a funding means to assist county government in developing planning programs based on state revenue as well as federal funds.

should be the agency to coordinate planning between state, federal, regional, and local levels.

the active participation of county government in that development. The policy should not dictate to county government the specific regulations for planning, but should provide a uniform, flexible framework to guide planning efforts.

urges federal government agencies to actively involve local governments in the initiation and refinement of federal planning and policy decisions.

that there is a necessity for balance between land use regulation and the protection of private property.

MACo believes that the most basic principle that must be followed in all actions by state and federal agencies is consultation with local county officials, as well as municipal and tribal officials, who have been elected to represent the concerns of those directly affected by public land management decisions.

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

that federal and state real property holdings should be maintained at a minimum or no-net gain level.

in water resources administration, management and allocation.

that the solution will be in the multiple-use form that conserves and not preserves, uses but not wastes, respects but not abuses, and shares and not hoards.

that existing public land laws now provide for comprehensive and continuous oversight of the administration of mining, oil, gas, and coal industries, which are important for the economic well-being of public lands counties.

the efforts of counties to ensure local government participation and Congressional action in the decision-making process surrounding the creation of proposed special-use designations. We support efforts to maintain and improve existing public land roads and access points, with adequate federal or state funding appropriated for that purpose.

the philosophy of multiple-use management, which allows diversity of activities on public lands and results in the establishment of local economies based on these principles and practices.

the continued multiple use of all Montana’s rivers for hydropower generation, flood control, transportation, irrigation, recreation, fish and wildlife habitat and municipal and industrial uses.

natural resource planning and environmental management featuring site-specific management decisions made by local decision makers, local citizenry and parties directly and personally affected by environmental land and resource management decisions on our public lands.

the enhancement of a viable rangeland livestock industry as an essential component of Montana’s economy and is vital to affected communities.

management practices that enhance forest health and sustained harvest and provide for multiple-use.

the active management of noxious weeds on all county, state, federal, and tribal lands in Montana and recommends cooperative agreements and funding sources to implement said management.

for federal payments to counties.

the full funding of the Payment-in-Lieu-of-Taxes (PILT) program at its yearly authorized level and believes that all federal holdings should be included in the program.
MACo strongly opposes any effort to reallocate federal land payments to schools or the State of Montana as has been proposed in previous state legislation.

MACo calls for community stability.

MACo believes that the maintenance of community stability and sustainability in natural resource dependent communities is important and it is a high priority of MACo. This stability entails a broad range of concerns for the economic, social, and environmental well-being of community residents whose future is linked to decisions that are made about the nation’s natural resources.

MACo believes that while protecting ecosystems, soils, waterways, plants and animals is important, so too is the protection of humans, economies and communities from destructive environmental practices.

MACo believes human communities and economies deserve equal consideration when setting federal and state land policies.

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

MACo urges Congress to coordinate and cooperate with those affected county officials in decisions relating to the future designations of wilderness and Wilderness Study Areas.


MACo Supports livestock grazing on the Charles M. Russell Wildlife Refuge (CMR) at levels that sustain the ecological health of the resource.

MACo opposes any federal legislation, including cap and trade legislation, if it imposes any new tax or fee, energy cost, or other financial burden on state and local governments, employers, and households; MACo recommends that individual counties adopt a similar resolution with copies forwarded to Montana’s Congressional delegation.

MACo supports the designation of bison introduced into areas of the state not currently populated by bison as domestic livestock to be managed by the Montana Department of Livestock.

MACo opposes the use of the Antiquities Act to create National Monuments, and MACo supports amending the Antiquities Act to clarify its actual intent, which is to establish small, discrete monuments or memorials, and MACo supports prohibiting the further extension or establishment of national monuments except by the express authorization of congress and coordination with the state and local governments.

MACo strongly encourages the congressional delegation and the State Land Board to fully analyze the economic impacts on local governments with the cooperation and coordination of the affected counties before supporting any land transfers.

MACo’s basic objective is to strengthen county government in order to effectively manage the services they provide. County government is a subdivision of the state government with legislative, judicial and administrative powers. Counties have the specific responsibility to protect the health, safety and welfare of county citizens through programs and services funded and provided at the local level. Such essential services must be controlled at the local level to fit the needs unique to each county.

1. MACo believes that cooperation and coordination among various agencies and branches of government is essential.

2. MACo supports efforts to coordinate services and develop methods to jointly administer programs, as coo. Counties must participate in the decision-making process whenever state mandates are proposed.

3. MACo believes that county government authority under state law should be liberally construed with county government having the authority to perform activities not specifically prohibited under state law for the purpose of protecting the health, welfare and safety of county residents.

4. MACo encourages legislation that would provide for the creative use of contracting for services as a way to provide selected programs at the local level.

5. MACo opposes any legislative consideration to mandate county reorganization and/or consolidation in light of existing statutory authority for local citizens to undertake, by petition, county reorganization and/or consolidation.

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MACo strongly encourages the congressional delegation and the State Land Board to fully analyze the economic impacts on local governments with the cooperation and coordination of the affected counties before supporting any land transfers.
(TAXATION, FINANCE & BUDGET continued . . .)

7. MACo supports amending the Impact Fee Act to remove barriers (the 10-year useful life requirement; the requirement that one member of the impact fee advisory committee be a certified public accountant; the 5% cap on the administrative fee that may be retained by the unit of local government; a rational point of nexus where the impact fee can be collected) to adoption and implementation of impact fees.

8. MACo supports state reimbursement to counties for lost property taxes as a result of the state’s acquisition of real property.

9. MACo supports protecting counties from reduced funding and cost shifting from state to county government, and MACo supports protection of important programs and funding mechanisms, such as the Entitlement Shares, TSEP, renewable resource grants, Big Sky Trust Fund, and others, which allow counties to perform statutorily mandated duties and responsibilities.

TRANSPORTATION

1. MACo promotes, offers suggestions and new ideas, investigates methods, and researches costs of providing improved and economical transportation for the public.

2. MACo coordinates transportation planning for all units of local government.

3. MACo consciously uses and plans county roads as tools to encourage proper land use. The location of roads is a major factor in the pattern of controlled land development. Carefully planned road locations and reconstruction may promote proper land use as well as economic efficiencies in the use of limited transportation funds.

4. MACo urges legislation or policy aimed at placing disposition of road funds at the county level.

5. MACo works with individual counties to develop road and bridge standards applicable to the county situation.

6. MACo works with the Montana Department of Transportation (MDT) on the maintenance responsibilities.

7. MACo seeks legislation to secure state and federal assistance in the construction and maintenance of roads and bridges used for recreational purposes or for access to public lands while granting counties greater discretion in determining road status and funding priorities.

8. MACo maintains uniform procedures for posting private land and enforcement thereof by the Department of Fish, Wildlife and Parks. Such posting procedures are warranted due to their applicability to gas tax revenue determination.

9. MACo supports any state effort on behalf of infrastructure funding.

Guidelines for Selection and Development of Pavement Treatments on the Secondary Road System

System Responsibility

MDT assumes responsibility for all paved roads on the approved Secondary System. Responsibilities include:

- Day-to-day maintenance of paved surface and its appurtenances;
- Pavement preservation;
- Rehabilitation and reconstruction;
- Plowing and sanding (county and state partnership); and
- Counties will maintain gravel surfaces.

(These guidelines for secondary roads were implemented under SB 333, 1999 Session of Montana Legislature.)
**WHAT ARE MACo RESOLUTIONS?**

A MACo Resolution is a written motion that is beneficial to county government and is adopted by a deliberative assembly made up of MACo Members.

MACo Members are the elected officials of counties, which have paid their annual dues in accordance with a schedule of dues or assessments adopted by the MACo Board of Directors and ratified by the membership. Each member county has one vote at membership meetings of the Association.

A MACo Resolution is adopted at the MACo Annual Conference or special meetings. Legislation is then drafted by the MACo Resolutions & Legislative Committee for the adopted resolutions; this committee also assists the MACo in securing sponsorship for the legislation.

MACo will present and promote legislation, which county officials believe to be beneficial to citizens, counties, and the state, and MACo will oppose legislation, which county officials believe to be detrimental thereto.

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## 2010-2012 ADOPTED MACo RESOLUTIONS

All Resolutions were adopted as of the MACo Annual Conference, Billings, MT, September 29, 2010.

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RESOLUTION 2008-07  
CLARIFY 76-3-511 MCA

It is the intent of the Montana Association of Counties to seek legislation to clarify the original intent of 76-3-511 or repeal that code section altogether.

WHEREAS, House Bill 521 was adopted in 1993 to address environmental concerns; and

WHEREAS, what is now 76-3-511 was added to HB 521 as Section 5 and it was intended to address water, septic and solid waste; and

WHEREAS, Senate Bill 116 (2005) made many procedural changes to the Montana Subdivision and Platting Act but the cross-references in 76-3-511 were not corrected accordingly; and

WHEREAS, counties are being challenged and sued because of allegations subdivision regulations other than those for water and septic and solid waste are more stringent than state law.

NOW, THEREFORE, BE IT RESOLVED, section 76-3-511 be amended to reflect the correct cross-references to 76-3-501(7) and to 76-3-504(1)(g)(iii); or

BE IT FURTHER RESOLVED, section 76-3-511 be repealed.

Prior Actions
Sponsor: MACo Land Use Planning & Development Committee
Adopted: Annual Conference, Hamilton, MT September 24, 2008 2010 Action
Referred To: MACo Land Use Planning & Development Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2008-37  
SUBSEQUENT HEARING

It is the intent of the Montana Association of Counties to clarify when a subsequent hearing on a subdivision application should be held.

WHEREAS, Section 76-3-615 was adopted by Senate Bill 116 in 2005; and

WHEREAS, since the adoption of 76-3-615 questions have arisen about how to interpret this code section, especially in those counties that have only one hearing on subdivision applications; and

WHEREAS, it is to the benefit of counties to clarify when a subsequent hearing should be held.

NOW, THEREFORE, BE IT RESOLVED, section 76-3-615 (2) should be amended so a claim of new information can be addressed at either a hearing or a meeting.

Prior Actions
Sponsor: MACo Land Use Planning & Development Committee
Adopted: Annual Conference, Hamilton, MT September 24, 2008 2010 Action
Referred To: MACo Land Use Planning & Development Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-01  
AMENDING THE INTERAGENCY BISON MANAGEMENT PLAN

It is the intent of the Montana Association of Counties to seek amendments to the Inter-Agency Bison Management Plan that will allow the Counties adjacent to Yellowstone National Park to be a signatory to any agreement involving bison management in the state of Montana.

WHEREAS, Yellowstone National Park, the U.S. Forest Service, the Montana Department of Fish, Wildlife, and Parks, the Montana Board of Livestock, and the Animal Plant Health Inspection Service wish to allow wild bison to migrate outside the recognized boundaries of Yellowstone National Park; and

WHEREAS, the Interagency Bison Management Plan (IBMP) was signed by the State of Montana and Federal Agencies and local governments were not a signatory to the agreement; and

WHEREAS, the IBMP was signed prior to the current testing protocol for cattle operations in counties adjacent to Yellowstone National Park; and

WHEREAS, wild bison are known to carry the disease Brucellosis, which can be transmitted to other species such as cattle and elk; and

WHEREAS, local governments are charged with protecting the health and safety of their citizens; and

WHEREAS, counties adjacent to Yellowstone National Park have the legal jurisdiction and management responsibility for all county roads within their counties.

NOW, THEREFORE, BE IT RESOLVED, that local governments be allowed input into management plans proposed by the IBMP Committee; and

BE IT FURTHER RESOLVED, that IBMP’s proposed management decisions consider the health and safety of the citizens living in the counties adjacent to Yellowstone National Park; and,

BE IT FURTHER RESOLVED, that IBMP’s proposed management decisions consider the economic well being of the citizens living in the counties adjacent to Yellowstone National Park.

2010 Action
Sponsor: MACo Districts 8, 9 & 12
Referred To: MACo Agriculture Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-02  
COUNTY TAX APPEAL BOARDS

It is the intent of the Montana Association of Counties to support granting counties the flexibility to increase the number of members available to serve on the county tax appeal board.

WHEREAS, Section 15-15-101, MCA provides that the board of county commissioners of each county shall appoint a three-member county tax appeal board; and

WHEREAS, the purpose of the county tax appeal board is to hear taxpayer appeals from property tax assessments by the Department of Revenue; and
WHEREAS, the resignation of, or inability to attend a hearing by a current county tax appeal board member could cause the hearing to be delayed or cancelled; and

WHEREAS, these delays are not in the best interests of serving the public; and

WHEREAS, having additional members would minimize the possibility of meetings being cancelled or postponed due to lack of board member availability:

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties supports granting counties the flexibility to increase the number of members available to serve on the county tax appeal board.

2010 Action
Sponsor: Montana Urban Counties
Cascade, Flathead, Gallatin, Lewis and Clark, Missoula, Ravalli and Yellowstone
Referred To: MACo Urban Counties Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-07
HISTORIC ROAD RIGHT OF WAY DEED PURCHASE EXTENSION

It is the intent of the Montana Association of Counties to seek and support legislation to extend the timeframes for the application for access roads constructed prior to 1997 on State Trust land.

WHEREAS, counties are authorized to inventory and identify all roads that are not deeds that access State Trust Lands, pursuant to MCA 77-1-130, and make application for the recognition of an historic right of way; and

WHEREAS, in order to preserve the deviations that were provided in law from the standard easement process mainly that the following are not required:

1. A legal survey completed by a licensed surveyor or licensed professional engineer,
2. A settlement of damages with the State surface lessee, and
3. An analyses of each historic right of way under the Montana Environmental Policy Act, plus additional Departmental concessions dealing with minimum road widths and others, all of which are scheduled to expire as of October 1, 2011; and

WHEREAS, some counties are still in the process of inventorying and identifying historic right of ways.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties will seek and support legislation to extend the time frames in order to preserve the above stated rights until 2015 and to extend the termination date to October 1, 2020.

2010 Action
Sponsor: MACo Resolutions Committee
Referred To: MACo Transportation Committee
MACo Agriculture Committee
MACo Public Lands Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-09
INTERIM ZONING

It is the intent of the Montana Association of Counties to seek legislation to amend the current interim zoning statute to preclude interim zoning being used to prevent an activity that is subject, either in whole or in part, to regulation and approval by any state or federal agency and such agency has received a complete application for the proposed use.

WHEREAS, county commissions in the State of Montana have seen increased demands to adopt interim zoning to restrict or prohibit otherwise legal development; and,

WHEREAS, county commissions are being asked to use interim zoning to prevent activities that are regulated by state and/or federal agencies; and

WHEREAS, the interim zoning is granted, development delays often occur to the detriment of the landowners wishing to develop their property; and

WHEREAS, this delay can potentially have severe economic impacts to the landowner seeking to develop his/her land in an otherwise lawful manner.

NOW, THEREFORE, BE IT RESOLVED, that MACo supports legislation that would preclude the use of interim zoning to prevent development if the following criteria are met:

1. The proposed land use is subject, either in whole or in part, to regulation and approval by any state or federal agency and such agency has received a complete application for the proposed use; and
2. The proposed use is consistent with existing zoning or that the use will take place on property that has no current designated zoning.

2010 Action
Sponsor: MACo Districts 6 & 7
Referred To: MACo Agriculture Committee
MACo Land Use Planning & Development Committee
MACo Community, Economic Development & Labor Committee
Adopted: Annual Conference, Billings, MT, September 27, 2010
Amended: MACo Executive Committee, Oct 08, 2010

RESOLUTION 2010-10
LIMIT USE OF COUNTY ROAD/RIGHT OF WAY

It is the intent of the Montana Association of Counties to support legislation to authorize counties to limit the use of a county road or other public road right of way to non-motorized and/or seasonal use only.

WHEREAS, numerous public rights-of-way exist, which should be held for potential future public and emergency use but are not appropriate for unrestricted motorized and/or all-season use at this time; and

WHEREAS, a board of county commissioners should have the authority to limit the use of a county road or other public road right-of-way under the county’s jurisdiction, to non-motorized and/or seasonal use only.

NOW, THEREFORE, BE IT RESOLVED, that MCA section 7-14-2103 be amended to grant boards of county commissioners the...
(RES. 2010-10, LIMIT USE OF COUNTY ROAD continued . . . )
ability to limit the use of a county road or other public road
right-of-way under the county's jurisdiction, to non-motorized
and/or seasonal use only; and

BE IT FURTHER RESOLVED, that other affected provisions of
law be amended for consistency.

2010 Action
Sponsor: MACo Districts 10 & 11
Referred To: MACo Transportation Committee
MACo Public Lands Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-11
MAIL BALLOT OPTION FOR FEDERAL ELECTIONS

It is the intent of the Montana Association of Counties to sup-
port legislation to allow counties to conduct federal elections by
mail ballot.

WHEREAS, County election officials are dedicated to protect-
ing the integrity of the electoral process; and

WHEREAS, the voter turnout in elections by absentee ballot are
becoming higher than elections held at the polling place; and

WHEREAS, counties continue to struggle to recruit enough
polling place workers required for general elections; and

WHEREAS, complex changes in federal and state election rules
make it more difficult to adequately train election workers; and

WHEREAS, many polling places are not owned by the county
using them for elections and are not accessible to all voters or
large enough to carry out the election process in a way that
guarantees privacy and efficiency; and

WHEREAS, voters will still have the ability to register and vote,
up to and including Election Day, at the county election center
with same day registration, and

WHEREAS, Montana’s elections continue to be a ‘hybrid’ sys-
tem of multiple elections on Election Day (absentee balloting,
precinct balloting and same day registration balloting); and,

WHEREAS, the cost of running “hybrid” elections are more ex-
pensive and difficult to administer and the costs of running
elections in Montana fall on County taxpayers and continue to
increase annually.

NOW, THEREFORE, BE IT RESOLVED, that MACo supports
efforts to adopt a statewide system of vote-by-mail elections.

2010 Action
Sponsor: MACo Districts 10 & 11
Referred To: MACo Resolutions Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-12
MILITARY AFFECTED AREA

It is the intent of the Montana Association of Counties to seek
legislation that will allow County Commissions the authority to
designate and administer Military Affected Areas within their
jurisdiction. The legislation will be similar to 67-7-203 (Airport
Area Affected Regulations) and designed to allow Commissions
to enact land use policies designed to minimize the encroach-
ment of military missions and facilities by civilian activity.

WHEREAS, the presence of the United States Military in Mon-
tana is both an honor and a privilege for the citizens of Mon-
tana; and

WHEREAS, Montana provides unique training and operational
opportunities for the military which are critical to our national
defense; and

WHEREAS, the US military and its members are an integral
part of our community which we wish to support, maintain,
and expand; and

WHEREAS, Montana is home to an active duty Air Force Base,
reserve units, and both an Air National Guard wing and an Ar-
my National Guard detachment; and

WHEREAS, Montana is the host for several military installa-
tions including Malmstrom AFB and its 23,500 square mile mis-
sile field, Fort Harrison, the Hayes MOA, and the Limestone
Hills Training Area; and

WHEREAS, unlike most states, Montana does not currently
provide county governments with an appropriate land use regu-
lation tool that addresses the unique issues of military and civil-
ian interaction.

WHEREAS, a Joint Land Use Study encompassing Malmstrom
AFB, the Air Force Facilities within the missile field, and the air
corridors from MANG and Malmstrom to the HAYES MOA is
currently underway; and

WHEREAS, preliminary drafts of the Joint Land Use Study indi-
cate that the lack of appropriate land use regulation tools in
Montana limit the ability to attract and retain military missions,
particularly air missions.

NOW, THEREFORE, BE IT RESOLVED, that the Montana As-
sociation of Counties seeks legislation to supply county govern-
ments with a land use regulation tool similar to that provided
for the regulation of land around Airports contained in the
MCA 67-7-203.

2010 Action
Sponsor: Cascade County
Referred To: MACo Public Lands Committee
MACo Transportation Committee
MACo Agriculture Committee
MACo Community, Economic Development & Labor Committee
MACo Land Use Planning & Development Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-13
MOBILE HOME DISPOSAL

It is the intent of the Montana Association of Counties to sup-
port legislation to allow counties to waive delinquent taxes,
penalties and interest on abandoned and uninhabitable mobile
homes for the purposes of movement permits for disposal.

WHEREAS, uninhabitable mobile homes pose safety and blight
issues for many Montana counties; and,

WHEREAS, 15-24-208 MCA states that a misdemeanor to
move a mobile home with unpaid property taxes providing a
disincentive for proper disposal; and
WHEREAS, delinquent property taxes on abandoned mobile homes are likely uncollectible.

NOW, THEREFORE, BE IT RESOLVED, the Montana Association of Counties shall support legislation that would allow counties to cancel delinquent mobile home taxes, penalties, and interest to facilitate the issuance of a movement permit for the express purpose of the disposal of abandoned and uninhabitable mobile homes, and providing safeguards to prevent abuse.

2010 Action
Sponsor: MACo Districts 10 & 11
Referred To: MACo Tax, Finance & Budget Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-14
MOVEMENT OF BISON ACROSS COUNTY LINES

It is the intent of the Montana Association of Counties to support requiring movement of bison before crossing county lines to be regulated by the Department of Livestock.

WHEREAS, bison can currently be moved across county lines in Montana without any inspection of owner identification; and

WHEREAS, MACo resolution 2008-04 supports the Montana Department of Livestock as the best agency to manage identification.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties supports requiring regulation of bison by the Montana Department of Livestock to cross county lines.

2010 Action
Sponsor: MACo Districts 1, 2 & 3
Referred To: MACo Agriculture Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-15
MUNICIPAL INCORPORATION

It is the intent of the Montana Association of Counties to seek legislation to amend current statutes regarding the organization and incorporation of new municipalities.

WHEREAS, it has become increasingly necessary to define which lands may and may not be included in the organization of a new municipality; and

WHEREAS, Title 7, Chapter 2, Part 41 of Montana Code Annotated does not specify a procedure detailing which lands may and may not be incorporated into a new municipality; and

WHEREAS, the comparable statutes for annexation of land that is used in whole or in part for agricultural, mining, smelting, refining, transportation, or any industrial or manufacturing purpose found in sections 7-2-4503 and 7-2-4608 exempts the annexation of those properties by an incorporated municipality except upon written consent by the owners of such lands under section 7-2-4303.

NOW, THEREFORE, BE IT RESOLVED, that Title 7, Chapter 2, Part 41 of the Montana Code Annotated be amended to require that land used in whole or in part for agricultural, mining, smelting, refining, transportation, or any industrial or manufac-turing purpose only be included within the boundaries of a new municipality upon written consent of the owners of such lands.

2010 Action
Sponsor: MACo Districts 6 & 7
Referred To: MACo Tax, Finance & Budget Committee
MACo Land Use Planning & Development Committee
MACo Agriculture Committee
Urban Counties Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-17
FOOD SAFETY COMPLIANCE

It is the intent of the Montana Association of Counties that all Montana Public Schools participating in the USDA School Food Program must be in compliance with Montana Rules for Food Service Establishments within all County’s School District’s Public School Food Service Establishments according to Montana Law, prior to receiving USDA support.

WHEREAS, Montana Public Schools have been required to follow current Rules for Food Service Establishments, including licensure, unless those schools employ their own full-time sanitarian, since the 2003 Legislative amendments to MCA 50-50-202, and

WHEREAS, OPI implemented additional requirements and rules, not currently in the food establishment rules and code, for Montana public schools, and

WHEREAS, OPI is responsible for the distribution of USDA commodities and financial support to Montana Public Schools who participate in the USDA School Food Program and are required to be Licensed Food Service establishments through the Department of Health and Human Services, and

WHEREAS, Some rural Montana Public Schools, functioning as independent rural school districts or attendance centers sponsored by larger schools, remain unlicensed due to failed inspections yet continue to receive USDA support through Montana Office of Public Instruction.

NOW, THEREFORE, BE IT RESOLVED, The Montana Office of Public Instruction must withhold any public school food service establishment’s USDA commodities or related financial support until Food Service licensure is obtained according to Montana Law and OPI’s own additional rules, regulations and codes for public school food service establishments and that licensure is verified by the local County Sanitarian.

2010 Action
Sponsor: Teton County, Pondera County
Referred To: MACo Health & Human Services Committee
Adopted: Annual Conference, Billings, MT, September 29, 2010

RESOLUTION 2010-19
STATUTORY CONTINUATION & IMPROVEMENT OF TAX INCREMENT FINANCING

It is the intent of the Montana Association of Counties to seek legislation that supports the statutory continuation and improvement of TIF laws through the merging of the various types of Tax Increment Financing into a single type useable by both municipalities and counties.
WHEREAS, tax increment financing has been an effective economic and community development tool for local governments, including counties; and

WHEREAS, the use of tax increment financing has been expanding to more rural areas of Montana where infrastructure resources are particularly limited; and

WHEREAS, current Tax Increment Financing regulation precludes the existence of different types of TIF districts to be in effect within a shared district boundary; and

WHEREAS, this restriction on multiple TIF types creates the need for redundant infrastructure; and

WHEREAS, the blighted areas of Montana often extend beyond the boundaries of incorporated cities and towns, yet counties are prohibited from utilizing urban renewal TIF districts; and

WHEREAS, the existing limitations of the use of TIF funds as well as the criteria specified for inclusion of a property into each type of TIF district could be retained while allowing the various types of districts to coexist within the same boundary; and

WHEREAS, MACO supports efforts to consolidate and simplify the TIF statutes by combining the Industrial Districts, Aerospace Districts, Technology Districts and Urban Renewal into a single classification of Economic Development Districts which could be utilized by cities, towns and counties alike; and

WHEREAS, MACO opposes exempting the 95 state mills from the tax increment capture of future TIF districts due to the severe reduction it would cause in Economic Development activity. Additionally, MACO opposes any exempting of the 95 mills from current TIF Districts due to the impact on existing bonds secured by those mills; and

WHEREAS, inclusion in a Technology TIF district under current law requires at least 50% of the sales of the businesses or organizations engaged in technology-based operations within Montana to occur outside of Montana; and

WHEREAS, this 50% requirement is inconsistent with a similar eligibility rule in the Montana Board of Investments Infrastructure Loan Program that may be used in conjunction with a technology increment district;

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties seek legislation that supports the statutory continuation and improvement of TIFs in such a manner as to:

1. Combine the various types of TIF districts into a single type that can be utilized by cities, towns and counties alike,
2. Maintains the capture of the 95 state mills for use in future and existing TIF districts,
3. Retains the current requirements for inclusive of an improvement into a TIF district with the exception of the 50% revenue requirement specified in MCA 7-15-4295 which we would like to see deleted,
4. Retains the same restrictions on the use of funds captured by the TIF district.

\[RES. 2010-19, STAT. CONT. TIF continued . . .\]
**RESOLUTION 2010-22**

**TECHNOLOGY DISTRICTS**

It is the intent of the Montana Association of Counties to support legislation that amends current technology district statutes so as to allows Montana businesses to participate in technology districts whose sales are primarily to Montana customers.

**WHEREAS,** the State of Montana has, through 7-15-4295, MCA, provided local governments the opportunity to create technology districts for the purpose of encouraging the location and retention of technology business and industry; and

**WHEREAS,** such districts allow for the development of technology infrastructure; and

**WHEREAS,** the purpose of the technology district was to “encourage the location and retention of technology development projects in the state” and further required that these projects be basic sector businesses; and

**WHEREAS,** MCA 7-15-4295 requires at least 50% of the sales of the businesses or organizations engaged in technology-based operations within Montana to occur outside of Montana; and

**WHEREAS,** this 50% requirement is inconsistent with a similar eligibility rule in the Montana Board of Investments Infrastructure Loan Program that may be used in conjunction with a technology increment district; and

**WHEREAS,** local governments are aware of the importance of attracting new industry to the state; and

**NOW,** **THEREFORE,** **BE IT RESOLVED,** that the Montana Association of Counties support legislation that allows Montana businesses to participate in technology districts whose sales are primarily to Montana customers.

**2010 Action**

**Sponsor:** MACo Districts 10 & 11  
**Referred To:** MACo Community, Economic Development & Labor Committee  
**Adopted:** Annual Conference, Billings, MT, September 29, 2010

**RESOLUTION 2011-01**

**A Resolution to Support HR1581**

It is the intent of the Montana Association of Counties to MACo support HR1581 to release all Wilderness Study Areas (WSA’s) and Inventoried Roadless Areas (IRA’s) which have been recommended or evaluated as not suitable for wilderness by the Bureau of Land Management (BLM) and the United States Forest Service (USFS).

**WHEREAS,** the BLM manages over 12 million acres of WSA’s, of which the agency has recommended that 6.7 million acres as not suitable as wilderness; and

**WHEREAS,** USFS’ second Roadless Area and Review Evaluation has recommended that 36.1 million acres as not suitable for wilderness; and

**WHEREAS,** current law and regulations, both WSA’s and IRA’s, even those not suitable for wilderness must be managed in a restrictive fashion; and

**WHEREAS,** HR1581 would release all WSA’s and IRA’s, which have been recommended or evaluated as not suitable for wilderness by the respective agency; and

**WHEREAS,** HR1581 would terminate Interior Secretarial Order 3310 and the 2001 and 2005 Nation-Wide Roadless Rules with regards to these lands.

**NOW,** **THEREFORE,** **BE IT RESOLVED,** MACo supports HR1581, which will allow the agencies to manage these lands in accordance to the principles of the Multiple-Use Sustained Yield Act of 1960.

**2011 Action**

**Sponsor:** Beaverhead County  
**Referred To:** MACo Membership  
**Adopted:** Annual Conference, Bozeman, MT, September 28, 2011

**RESOLUTION 2011-02**

**ENCOURAGE CONGRESSIONAL DELEGATION TO ANALYZE IMPACTS OF LAND TRANSFER FOR FORT BELKNAP INDIAN COMMUNITY WATER SETTLEMENT**

It is the intent of the Montana Association of Counties to strongly encourage the Congressional delegation to analyze the impacts of a land transfer for the Fort Belknap Indian Community Water Settlement.

**WHEREAS,** the draft Fort Belknap Indian Community Water Settlement bill is calling for the transfer of several thousand acres of State, Bureau of Land Management (BLM) and Bureau of Reclamation (BOR) land to Tribal land; and

**WHEREAS,** MACo policy calls for federal payments to counties; and

**WHEREAS,** the counties would lose Payments in Lieu of Taxes (PILT) payments if BLM land was changed to State or Tribal land; and

**WHEREAS,** there are several acres of private land that would be directly affected by a land transfer; and

((RES. 2011-02, WATER SETTLEMENT, continued . . .))

**WHEREAS,** MACo policy states “MACo believes human communities and economies deserve equal consideration when setting federal and state land policies.

**NOW,** **THEREFORE,** **BE IT RESOLVED,** MACo strongly encourages the Congressional delegation to analyze the impacts of a land transfer for the Fort Belknap Indian Community Water Settlement before supporting a bill with such a transfer.

**2011 Action**

**Sponsor:** Phillips County  
**Referred To:** MACo Public Lands Committee  
**Adopted:** Annual Conference, Bozeman, MT, September 28, 2011
**Resolution 2011-03**

Resolution Calling for the Issuance of the Presidential Permit for the Keystone XL Pipeline

It is the intent of the Montana Association of Counties to support the issuance of the Presidential Permit for the Keystone XL Pipeline Project.

WHEREAS, following the release of the Final Environmental Impact Study (EIS), a review period begins to determine if the proposed project is in the national interest; and

WHEREAS, this broader evaluation of the application extends beyond environmental impact, taking into account economic, energy security, foreign policy, and other relevant issues; and

WHEREAS, there are great economic benefits to the State of Montana, Montana Counties, and the entire nation with the amount of jobs, both direct and indirect, that will be created as well as revenue generated from the taxes; and

WHEREAS, achieving energy independence and security for the United States can only be done by fully utilizing America’s domestic energy resources; and

WHEREAS, the on-ramp to the Keystone XL Pipeline in Fallon County will provide for the shipment and refining of the Bakken Oil and will continue to benefit the entire Nation; and

WHEREAS, the Montana Association of Counties firmly believes the Keystone XL Pipeline project will put America on the road to greater energy independence; and

WHEREAS, the Montana Association of Counties believes the Keystone XL Pipeline is in the national interest.

NOW, THEREFORE, BE IT RESOLVED, the Montana Association of Counties requests TransCanada be granted the Presidential Permit necessary to construct the Keystone XL Pipeline.

2011 Action

Sponsor: Phillips County
Referred To: MACo Energy Committee
MACo Community, Economic Development & Labor Committee
MACo Public Lands Committee
Adopted: Annual Conference, Bozeman, MT, September 28, 2011

**Resolution 2011-04**

Resolution to Support the Montana Association of Oil Gas & Coal Counties (MAOGCC) Amicus Brief Cause No. DV-11-424

It is the intent of the Montana Association of Counties Resolution to support MAOGCC Amicus Curiae Brief Cause No DV-11-424.

WHEREAS, MACo is in support of the use of Montana highways being used for the transport of goods and services including large loads deemed safe and proper by the Montana Department of Transportation (MDT) in their permitting process; and

WHEREAS, MACo also supports dialog between county officials before taking legal action that causes adverse economic impacts on other counties; and

WHEREAS, Montana code annotated 7-14-2102 gives counties general authority over county roads but not state highways.

NOW, THEREFORE, BE IT RESOLVED, MACo supports the MAOGCC amicus curiae brief Cause No. DV-11-424 in support of Imperial Oil Resources Ventures Limited motion to dissolve or modify the preliminary injunction against the MDT permit to use Montana Highways.

2011 Action

Sponsor: MACo Energy Committee
Referred To: MACo Energy Committee
Adopted: Annual Conference, Bozeman, MT, September 28, 2011