



MONTANA ASSOCIATION OF COUNTIES

Policy Booklet

Adopted Policy Statements & Resolutions

2014 - 2016

MONTANA ASSOCIATION OF COUNTIES
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MONTANA ASSOCIATION OF COUNTIES

Board of Directors

MACo EXECUTIVE COMMITTEE

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1st Vice President.....	Maureen Davey	Stillwater County
2nd Vice President.....	Todd Devlin	Prairie County
Fiscal Officer.....	Mike McGinley.....	Beaverhead County
Urban Representative.....	Jim Reno	Yellowstone County
Immediate Past President.....	Joe Briggs.....	Cascade County

PAST PRESIDENTS SERVING AS COUNTY OFFICIALS

2014.....	Joe Briggs.....	Cascade County
2013.....	Greg Chilcott.....	Ravalli County
2012.....	Connie Eissinger.....	McCone County
2011.....	John Ostlund	Yellowstone County
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

DISTRICT CHAIRS

District 1.....	Gary MacDonald	Roosevelt
District 2.....	Douglas Buxbaum	Dawson
District 3.....	Doug Martens.....	Rosebud
District 4.....	Larry Hendrickson.....	Liberty
District 5.....	Ron Ostberg.....	Teton
District 6.....	Richard Moe.....	Wheatland
District 7.....	Susie Mosness	Sweet Grass
District 8.....	Leonard Wortman.....	Jefferson
District 9.....	Marty Malone.....	Park
District 10.....	Bill Barron	Lake
District 11.....	Jeff Burrows	Ravalli
District 12.....	Tom Rice	Beaverhead

ELECTED OFFICIAL ASSOCIATION REPRESENTATIVES

Attorneys.....	Leo Gallagher.....	Lewis & Clark
Clerk & Recorders	Bret Rutherford.....	Yellowstone
Clerks of Court.....	Valerie Hornsveld	Broadwater
Clerks of Court.....	Connie Mattfield	Musselshell
Coroners	Vacant	N/A
Magistrates	Linda Budeski.....	Park
School Superintendents.....	Susan Beley	Wheatland
Sheriff's & Peace Officers.....	Chris Hoffman.....	Ravalli
Treasurers.....	Jane Steen.....	Sweet Grass



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MONTANA ASSOCIATION OF COUNTIES

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MONTANA ASSOCIATION OF COUNTIES

2014-2016 Policy Statements

WHAT ARE MACo POLICY STATEMENTS?

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's mission is to enhance the public service mission of counties by promoting integrity and providing proactive leadership while acknowledging and respecting Montana's diversity.

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 Booklet* is a compilation of various issues and/or beliefs, 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.

On behalf of the MACo Board of Directors and the Resolutions & Legislative Committee, we present the duly adopted *Montana Association of Counties Policy Booklet*, effective September 2014-2016.

2014-2016 REAFFIRMED MACo POLICY STATEMENTS

All Policy Statements were reaffirmed as of the MACo Annual Conference, Kalispell, MT, September 24, 2014.

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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 supports country of origin labeling for fruits, vegetables, meats, and other foodstuffs entering the United States.
3. MACo encourages innovative ways to add value for the producers of agricultural products as a means of economic development.
4. MACo supports uniting 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 livestock and wildlife as well.
5. 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.
6. MACo encourages efforts to ensure the quality of Montana grain and livestock is preserved when marketing that product abroad.
7. MACo encourages overall expansion of production and taxing agricultural land based on the value of production.
8. 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.
9. MACo supports Montana Fish, Wildlife and Parks Commission to set harvest quotas and regulate the harvest of wildlife in a manner that represents biologically sound management of big game population.
10. MACo supports the de-listing of the Gray Wolf as an Endangered Species.
11. 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.
12. MACo supports the completion of a Supplemental Environmental Impact Statement to reflect the unanticipated consequences of the re-introduction of Gray Wolves.
13. 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.
14. MACo supports the United States Department of Interior managing the bison population within the boundaries of Yellowstone National Park.
15. MACo opposes the creation of a buffer zone around Yellowstone National Park for the migration of animals.
16. MACo supports that local government(s) living in the counties adjacent to Yellowstone National Park be formally recognized as a participating member on the IBMP Committee.

17. MACo supports the maintenance of the all Farm Service Agency offices in Montana.
18. MACo supports expanded scientific data collected from county weather monitoring stations in addition to National Weather Service data for determining disaster declaration and the implementation of Farm Service Agency programs.
19. MACo supports increased funding for advanced degrees and programs in veterinary science throughout Montana's institutions of higher learning.
20. MACo supports protecting communities, local businesses, and government from unnecessary restrictions due to listing of the Greater Sage Grouse under the Endangered Species Act (ESA), as MACo believes that the listing of the Greater Sage Grouse has absolutely no merit.
21. MACo believes that the petitioning of species for listing or removing, and revising critical habitat can only be done by the state recognized wildlife management agency in which the native species in question exists or strong documentation that it historically existed in such state. Quantifiable recovery levels for delisting must be identified at the time of listing.
22. MACo supports water policy that continues to allow the de minimis use of exempt well water for agriculture, homes, and small businesses without the burden of the water right permitting process; and opposes changes to water policy that would unnecessarily increase the cost associated with accessing water; changes to water policy that limit the county's ability to properly plan, zone for growth, or review and condition subdivision applications; changes to water policy that would negatively affect the county's ability to meet Wildland Urban Interface requirements; and changes to water policy that may create added weed infestation in Montana.
23. MACo supports the creation of local Drought Advisory Committees in every county.
24. MACo supports adequate funding for essential cooperative extension service positions.

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.

(COMMUNITY, ECON. DEV. & LABOR, CONTINUED)

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 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.
13. MACo supports continued long term operations of existing U.S. Post Office and sorting facilities in communities across America.
14. MACo supports legislation that will provide counties and municipalities with adequate, up-front, impact funding to alleviate the demands on county and municipal services intensified by oil activity that precedes any revenue generated and alleviate their needs throughout the exploration

and tax holiday timeframe, so already stressed taxpayers will not suffer loss of services. MACo believes that the source of funding for this effort should not affect the current severance payments made to producing counties.

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 continues energy conservation programs that reduce consumption and encourage efficient energy use.
5. 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.
6. MACo believes the state and federal government should work with local governments.
7. 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.
8. MACo supports the citing and permitting regulations of new wind projects to remain at the county level of government.
9. MACo supports legislative and/or budgetary relief that speeds the permitting and citing process for new transmission lines through the Department of Environmental Quality, in cooperation and coordination with impacted counties.
10. 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.
11. MACo supports an increase in fueling infrastructure stations to support the promotion of AFVs.
12. 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.
13. MACo supports increased fuel economy for trucks and cars to reduce fuel costs and air pollution that are economically feasible.



14. MACo supports counties retaining full authority over its own right-of-ways and recovery costs for their use.
15. MACo supports Recognition of electrical, geographic and institutional differences such as the western and eastern electrical grids having different features and challenges.
16. MACo supports 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.
17. 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.
18. MACo supports dialog between county officials before taking legal action that causes adverse economic impacts on other counties.
19. MACo supports an energy policy that provides economic incentives to reduce greenhouse gas emissions through innovation technology awards and research and development and oppose any legislative or regulatory proposals, such as a cap and trade system or carbon tax that would pass on direct and indirect costs and/or taxes onto counties, consumers, and businesses.
20. MACo supports the issuance of the Presidential Permit for the Keystone XL Pipeline Project.

HEALTH & HUMAN SERVICES

MACo supports 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 supports 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. 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.
2. MACo supports 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.
3. 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.
4. 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, and to increase state funding for public health services that do not reduce county revenue sources.
5. 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.
6. 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.

7. 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.
8. MACo opposes any privatization of DPHHS eligibility determination programs, unless it can be demonstrated that privatization can be efficient and cost effective.
9. 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. Licensing, monitoring of providers, information and referral, and assistance in selecting appropriate care should be available to all without regard to income or resources.
10. MACo supports increasing the current acreage threshold for solid waste disposal from 5 acres to 160 acres.
11. MACo supports increasing funding to chemical dependency treatment programs throughout the state.
12. 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.
13. 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.
14. MACo supports the Board of Medical Examiners providing Montana First Responder Volunteers with convenient testing venues in order to complete testing and certification requirements in a reasonable time frame with minimal travel at their own expense.
15. MACo supports the presumptive eligibility programs through the Montana Department of Public Health & Human Services.
16. 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.
17. MACo supports legislation that would increase the maximum veterans' interment allowances.
18. MACo supports Medicaid Expansion as long as there is sufficient federal and state funding to support the expansion.
19. MACo supports increased funding for Mental Health Service Plans, to support community based services. Funding increases should be tied to some form of an index.
20. MACo supports Improved and increased crisis services for children and adolescents, and improve the transition of services for children aging into the adult system.
21. MACo supports the work of, and funding for, community crisis centers to provide community based services and efforts to divert the mentally ill from jail.
22. MACo supports funding programs to address human trafficking

**(HEALTH & HUMAN SERVICES, CONTINUED)**

23. MACo supports legislation to allow for the quality assurance review of emergency medical dispatch programs through local EMS councils, and providing confidentiality of these medical run reviews.

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 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 believes mental evaluations should be conducted in local mental health treatment facilities, when available.
4. MACo supports state and federal funding for jails MACo supports state financing of district courts in conjunction with the concept that the courts are a state system.
5. MACo supports limiting judicial expenditures in excess of adopted county budgets and opposes judicial orders of additional expenditures above the adopted county budget.
6. MACo supports a partnership between the state and local governments for the funding of defined minimum standards of court security in district, county, justice, and municipal.
7. MACo supports a partnership between the state and local governments for the funding of the costs to remodel court-houses to accommodate additional District Court Judges and related staff, furniture, fixtures and equipment.
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 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.
11. 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.
12. 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.
13. MACo supports providing county governing bodies the authority to enact social host ordinances.
14. MACo supports a permanent and stable governance structure and funding for the administration of the public safety communications system in Montana.
15. MACo supports the statewide public safety communications system being based on current federal and state communications standards in which local, tribal, state, and Federal public safety and emergency management representatives can operate autonomously and transition seam-

lessly, to communicate effectively in an all-hazard emergency mission role.

16. MACo supports the statewide public safety communications system as a voluntary coalition of participating county governments, tribal nations and state agencies.
17. MACo supports the states funding of additional resources for the Department of Criminal Investigations and the State Prosecution Bureau, to offset the use of resources in oil-impacted areas of Montana.
18. MACo supports additional state funding for deputy county attorney positions that are primarily designed to enforce state law.

LAND USE & 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 new development in the county and assess the economic impact. Cooperation by counties will afford the advantages of well-planned use of land, preserved open space, less urban sprawl, and a more efficient delivery of public services.
6. MACo supports the concept of effective land use planning permissively initiated at the local level by local government officials.
7. MACo supports restructuring Montana tax laws to assure that local governments are adequately reimbursed for increased costs for services by new development.
8. MACo supports growth policies that adequately plan for economic development and cost-effective infrastructure.
9. MACo supports state funding for growth policies.
10. MACo supports developing local government review authority for transfers of private sector land to the public sector.
11. MACo encourages counties to develop regulations to guide and control land subdivision. County officials should be given more authority in reviewing proposed subdivisions and adopting subdivision controls to promote the wise use and development of land.
12. MACo will support legislation to limit the use of exemptions to the Subdivision and Platting Act and to further authorize local development of criteria for allowable ex-



- emptions.
13. 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.
 14. MACo recommends that the state, as a facilitator, should provide for the inventory and analysis of data and make the information available to local governments.
 15. MACo recommends that the state, as a coordinator, should develop greater ability to provide specialized technical service where county government cannot support such specialization.
 16. MACo recommends that the state, as a coordinator, should coordinate and encourage planning programs at all levels of government.
 17. MACo recommends that the state, as a coordinator, should provide a funding means to assist county government in developing planning programs based on state revenue as well as federal funds.
 18. MACo believes that the State Department of Commerce should be the agency to coordinate planning between state, federal, regional, and local levels.
 19. MACo believes that the development of a state policy toward planning issues must include 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.
 20. MACo urges federal government agencies to actively involve local governments in the initiation and refinement of federal planning and policy decisions.
 21. MACo believes that there is a necessity for balance between land use regulation and the protection of private property.
 22. MACo believes that the continued presence of Military missions within Montana is essential to our National defense as well as the economic health of our citizens and communities. Further we recognize that these missions can present unique challenges in land use planning which can be best addressed by allowing limited local land use regulation through the creation of Military Affected Areas as allowed by Montana State Law. The limits placed on this type of regulation need to represent a balance between private property rights and the needs of the military.

PUBLIC LANDS

1. MACo believes the most basic principle that must be followed in all actions by state and federal agencies is early consultation, cooperation, and coordination 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.
2. MACo believes that environment 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.
3. MACo supports 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.
4. 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.
5. 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.
6. MACo believes human communities and economies deserve primary consideration when setting federal and state land policies.
7. 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.
8. 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.
9. MACo believes that federal and state real property holdings should be maintained at a minimum or no-net gain level.
10. MACo believes 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.
11. MACo supports 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.
12. MACo opposes any state or federal agency allowing non-government organizations (NGO's) to participate in any planning or proposed plan changes without equal representation from organizations with opposing views.
13. MACo urges Congress to coordinate and cooperate with those affected county officials in decisions relating to the future designations of wilderness.
14. MACo supports the release of all Wilderness Study Areas (WSA's), which have been recommended or evaluated as not suitable for wilderness by the respective agencies and managed in accordance to the principles of the Multiple-Use Sustained Yield Act of 1960.
15. 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.
16. MACo believes in state primacy in water resources administration, management and allocation.

(PUBLIC LANDS, CONTINUED)

17. MACo opposes changing the definition in the Clean Water Restoration Act from “navigable waters” to “Waters of the U.S.”
18. MACo believes that ditches, streets, and gutters should not be waters of the U.S. and retain the definition of navigable waters in the Clean Water Act.
19. MACo believes 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.
20. MACo supports 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.
21. MACo supports 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.
22. MACo supports the enhancement of a viable rangeland livestock industry as an essential component of Montana’s economy and is vital to affected communities.
23. MACo supports management practices that enhance forest health and sustained harvest and provide for multiple-use.
24. MACo believes public lands should be managed in both an ecologically and financially sustainable manner providing a source of revenue to the Federal, State, and Local governments.
25. MACo also believes that lands should be managed with consideration of the potential costs of remediation after a severe fire event.
26. MACo supports the reorganization of Forest Service Management to reduce the layers upon layers of the organizational structure from four to three and supports clearly defining the Forest Service mission to get more projects “boots on the ground.”
27. MACo supports 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.
28. MACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buyout of grazing by non-ranching third parties.
29. MACo Supports livestock grazing on the Charles M. Russell Wildlife Refuge (CMR) at levels that sustains economically sound livestock operations and maintains the ecological health of the resource.
30. 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.
31. MACo supports requiring regulation of bison by the Montana Department of Livestock to cross county lines.
32. MACo supports protecting communities, local businesses, and government from unnecessary restrictions due to listing of the Greater Sage Grouse under the Endangered Species Act (ESA), as MACo believes that the listing of the Greater Sage Grouse has absolutely no merit.
33. MACo supports decisions to list species as threatened or endangered that are made through best available science with increased transparency, timely decisions with local participation through stakeholder collaboration and coordination with local governments.
34. MACo believes that the ESA should recognize and allow consideration of predation of threatened or endangered species through predator impacts and natural events. And also consider the social and economic impacts to local economies before making any management decisions.
35. MACo believes that the petitioning of species for listing or removing, and revising critical habitat can only be done by the state recognized wildlife management agency in which the native species in question exists or strong documentation that it historically existed in such state. Quantifiable recovery levels for delisting must be identified at the time of listing.
36. MACo supports amending the Equal Access to Justice Act (EAJA) requiring accountability and transparency of the expenditure of federal funds and limiting access to EAJA funds only to individuals, small businesses, and non-profit organizations that are directly and personally damaged through a federal action.
37. MACo calls for federal payments such as Secure Rural Schools (SRS), Payment-in-Lieu-of-Taxes (PILT), Taylor Grazing, and Refuge Revenue Sharing to counties.
38. MACo supports the full funding of the PILT program and Refuge Revenue Sharing at its yearly authorized level and believes that all federal holdings should be included in the program.
39. MACo believes that shared natural resource payments to counties from activities such as timber sales, mineral leasing, grazing, and others are absolutely vital to county and school budgets.
40. 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.
41. 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.
42. MACo supports reducing the administrative fee allowance to .1% (1/10th of one percent) or \$1,000,000, whichever is greater, for administrative costs for the Pittman – Robertson and Dingell - Johnson funds. If additional administrative fees are required by the United States Fish and Wildlife Service (USFWS), congressional approval would be required.

RESOLUTIONS & LEGISLATIVE

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. Counties must



- participate in the decision-making process whenever state mandates are proposed.
3. MACo supports legislation to fund the ongoing maintenance of the Montana Votes database from the Montana general fund through the Montana Secretary of State's budget.
 4. MACo supports efforts to adopt a statewide system of vote-by-mail elections and allowing counties to conduct federal elections by mail ballot.
 5. 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.
 6. 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.
 7. 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.

TAXATION, BUDGET & FINANCE

The Montana Association of Counties believes that local government is best able to provide programs and services that are responsive to unique local needs. Local governments should have broad authority to finance these services. This requires a revenue base that is stable and will provide adequate funding. Any method the State of Montana uses to generate revenue directly affects local governments. In the interest of maintaining the partnership between all levels of governments, we expect the State of Montana and the federal government to honor existing commitments to local governments.

1. MACo supports local and statewide alternative revenue sources that will decrease the need to burden local property owners and will help stabilize the tax base.
2. MACo supports the authority of local governments to have budget flexibility to meet the rising costs and demands for traditional, as well as additional, services.
3. MACo believes that local governments should be adequately compensated for all non-renewable resources extracted to meet current and future impacts of affected counties.
4. MACo supports greater flexibility in the fee setting authority of county government which adequately reflects the real costs of providing services.
5. MACo supports reimbursement to counties for lost property taxes as a result of the acquisition of real property, or property held in trust, by either the state or federal government.
6. MACo supports working in cooperation with the Montana Secretary of State's Office to pursue additional state and federal funding sources to supplement local government election administration costs.
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.
10. MACo supports efforts to implement pension reform policies to provide equitable long term funding and member benefit stability for the Montana Public Employees Retirement Systems affecting county employees, to achieve and maintain solvency and actuarial soundness and equity among beneficiaries and contributors to the systems.
11. MACo believes that all volunteer firefighters and EMT's should be covered under the Montana Workers Compensation Act funded through a county-wide permissive levy.
12. MACo supports the full and long-term funding of the Montana State University Local Government Center within the University system budget.

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 to include a primary focus on farm-to-market activities. 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 supports 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. 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 & 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.)



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MONTANA ASSOCIATION OF COUNTIES 2014-2016 Resolutions

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 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.

2014-2016 ADOPTED MACO RESOLUTIONS

All Resolutions were adopted as of the MACo Annual Conference, Kalispell, MT, September 24, 2014.

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RESOLUTION 2012-02

BOARD OF ADJUSTMENT APPEALS

It is the intent of the Montana Association of Counties to seek legislation to amend the current appeals from the Board of Adjustment statute for county imposed zoning to allow the County Commissioners to hear an appeal from the Board of Adjustment decision prior to the decision being appealable to a court of record.

WHEREAS, counties in the State of Montana have seen increased litigation resulting from Board of Adjustment decisions; and

WHEREAS, under the current law County Commissioners do not have the opportunity to review a decision made by the Board of Adjustment; and

WHEREAS, under the current law an aggrieved party must appeal a decision of the Board of Adjustment directly to a court of record without the opportunity to present their evidence to the County Commissioners; and

WHEREAS, County Commissioners are placed in the position of funding and defending litigation without the ability to weigh in on the decision of the Board of Adjustments.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of counties will seek legislation to amend the current appeals from the Board of Adjustment statute for county imposed zoning to allow the County Commissioners to hear an appeal from the Board of Adjustment decision prior to the decision being appealable to a court of record.

2012 ACTION

Sponsor: MACo Land Use & Development Committee

Adopted: Annual Conference, Great Falls, MT, September 26, 2012

2012 ACTION

Referred To: MACo Land Use & Development Committee

Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2012-20

STATE AGENCY COORDINATION

It is the intent of the Montana Association of Counties to seek legislation requiring the State of Montana to enter into coordination with local governments when requested by any of the entities to protect and promote the health, safety, welfare, livelihood and property of the citizens of Montana.

WHEREAS, coordination language was created with the National Environmental Protection and the Federal Land Policy and Management Acts, requiring federal agencies to work with local governments to implement environmental stewardship “to create and maintain conditions under which man and nature can exist in productive harmony” for the benefit of mankind and future generations and has been included in every other natural resource management statute which Congress has passed since 1976; and

WHEREAS, State governments have been given extraordinary power under the 10th Amendment to protect and preserve the rights, liberty and property of their citizens against unconstitutional Federal intrusions; and

WHEREAS, county governments were created to protect and support the interests, customs, culture, resources, property and tax base of the citizens within their jurisdictions and were intended to be most accessible and accountable form of government; and

WHEREAS, county and local governments can establish a growth policy and natural resource plan for specific local conditions and can adapt that plan to best meet the needs while maintain the rights of the citizens within their jurisdictions; and

WHEREAS, there is a concern that State and Federal administrative agencies are creating rules and regulations that deny the citizens due process and the right to the productive use of their property; and

WHEREAS, the coordination process is an effective tool to protect the citizen’s right to own and productively use private property, when implemented by County or Local government; and

WHEREAS, coordination initiates a procedure requiring State and Federal administrative agencies desiring to enact policies that increase restrictions, regulations and control over local resources to meet and negotiate on an equal basis with County or local governments on issues that affect the economy, safety, culture, stability, tax base, livelihood and local resources of its citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of County seek legislation requiring the State of Montana to enter into coordination with local governments when requested by any of the entities to protect and promote the health, safety, welfare, livelihood and property of the citizens of Montana.

2012 ACTION

Sponsor: MACo Districts 8, 9 & 12

Adopted: Annual Conference, Great Falls, MT, September 26, 2012

2014 ACTION

Referred To: MACo Public Lands Committee

Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-01

ACCESS CONVEYANCE FEES FOR EASEMENTS ACROSS STATE TRUST LANDS

To establish a process and procedure in Montana law setting maximum Access Conveyances Fees that can be charged by the Montana Board of Land Commissioners.

WHEREAS, Section 77-2-103, MCA authorizes the Department of Natural Resources and Conservation and the Montana Board of Land Commissioners to set the compensation to be paid for a proposed easement across State Trust Lands;

WHEREAS, Section 77-2-103, MCA sets the compensation to be paid for a proposed easement across State Trust Lands as the full market value of the estate or interest disposed of through granting of the right-of-way easement, and the damages must be the actual damages resulting to the remaining land as nearly as they can be ascertained;



(RES. 2014-01, ACCESS CONVEYANCE FEES, CONTINUED)

WHEREAS, the Montana Board of Land Commissioners on September 18, 2006 adopted an Access Road Easement Policy and in that Access Road Easement Policy sets forth the easement valuations to be based on one hundred percent of the current fair market value of the state land the easement will encumber and if there is reason to believe the remaining state land would suffer a loss in current fair market value due to the access road easement across the state land, a before and after appraisal of the state land must be conducted and any diminution in current fair market value must be paid as additional compensation;

WHEREAS, currently Montana law does not specifically provide a process and procedure authorizing the Montana Board of Land Commissioners to charge an Access Conveyance Fee if an easement application across State Trust Lands is for subdivision purposes;

WHEREAS, the Access Road Easement Policy states that if an access easement is for subdivision purposes or for potential future development of more than one residential housing unit on the dominant tenement, an access conveyance fee shall be assessed. This fee is assessed separate from the land value and damage valuation methods describe above;

WHEREAS, the Access Road Easement Policy sets the Access Conveyance Fee at one percent of the sale price or market value as determined by the Department of Natural Resources and Conservation for the lands sold and must be paid at the time of the first sale of an existing tract of record, the first sale of a new tract or tracts of record created by subdivision, or by partial assignment of the easement rights to a third party;

WHEREAS, the Access Conveyance Fee may discourage land use development that would be beneficial to county governments and their residents.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to establish a process and procedure in Montana law to authorize maximum Access Conveyance Fees for easements across state lands for subdivision purposes that will not discourage land use development.

2014 ACTION

Sponsor: MACo Land Use & Development Committee
Referred To: MACo Land Use & Development Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-02

ASSIGNMENT OF ROAD STREET ADDRESSES BY LOCAL GOVERNMENT

It is the intent of the Montana Association of Counties to clarify laws pertaining to assignment of road/street addresses by local governments, because current statutes require local governments to assign addresses but do not expressly grant the power to do so.

WHEREAS, public health and safety are enhanced by prompt emergency response capabilities, and are thwarted by inconsistent and nonexistent addresses and road names; and

WHEREAS, M.C.A. §10-4-103 requires that enhanced 9-1-1 systems must include automatic location identification that automatically identifies and displays the address of the calling telephone at the public safety answering point; and

WHEREAS, M.C.A. §23-5-117 requires that all premises approved for a gambling license must “have a unique address assigned by the local government in which the premises is located”; and

WHEREAS, no statute expressly grants or governs the power of local governments to assign addresses and road names, and this power is necessary for local governments to meet current statutory obligations.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to clarify the law by expressly authorizing local governments in Montana to assign and regulate street addresses and road names within their jurisdiction.

2014 ACTION

Sponsor: Missoula County
Referred To: MACo Transportation Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-03

CLARIFYING ELIGIBLE VOTERS IN CERTAIN ELECTIONS

It is the intent of the Montana Association of Counties to seek legislation to clarify eligible voters in certain elections.

WHEREAS, corporations owning property within a county water and sewer district are allowed voting rights through the corporate officers pursuant to 7-13-2254; and

WHEREAS, at the time of enactment of that statute in 1957, Montana Law did not provide for other types of property ownership by non-natural persons such as Limited Liability Companies and Limited Liability Partnerships; and

WHEREAS, 38 A.G Op 47 (1979) reaffirmed the right of corporate property owners to vote in such elections; and

WHEREAS, in 1993 the Montana Legislature passed the Montana Limited Liability Company Act (LLC); and

WHEREAS, all property owners, irrespective of whether the property is owned by “natural persons” or “corporate person” who would be liable for any fees or assessments for a county water and sewer district should have a voice in determining whether such a district should be created and who will serve as members of the board of directors; and

WHEREAS, the 2009 Montana Legislature passed the Uniform Act for Special Purpose Districts. Included in that legislation are provisions for property owners who would be liable for any fees or assessments to petition for the creation of a special purpose district, file protests against the creation of such a district and vote on a referendum concerning the creation of such a district; and

WHEREAS, the Uniform Act for Special Purpose Districts does not address property ownership by non-natural persons.

NOW, THEREFORE, BE IT RESOLVED that the Montana Association of Counties will seek legislation to clarify that all property owners who would be liable for assessments and fees are afforded the same voting rights, irrespective of whether the property is owned by a “Corporate Person” or “natural Person.”

2014 ACTION

Sponsor: Jefferson County
Referred To: MACo Resolutions & Legislative Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014



RESOLUTION 2014-04

CONTRACTING FOR THE CONFINEMENT OF PRISONERS

It is the intent of the Montana Association of Counties to clarify that the Department of Corrections must pay the cost of detention of inmates to those detention centers in which they are detained and that the Department of Corrections becomes the ‘arresting agency’ upon sentencing.

WHEREAS, the Montana Department of Corrections becomes the “arresting agency” upon sentencing by a competent judge, and

WHEREAS, it is clearly stated in MCA 7-32-2203. “Who may be confined in a detention Center, Detention centers are used as follows: (5) for the confinement of persons sentenced to the state prison, as agreed upon by the state and the administrator in charge of the Detention Center”, that the contract with the DOC is with the administrator of the detention center, and

WHEREAS, in a letter dated January 10, 2012, the Montana Department of Corrections, Chief General Counsel, Diana Koch stated “The Statute states that an arresting agency must pay for the costs for persons the agency arrests and houses in a detention center. The statute does not place any importance on the place of arrest: in fact, the statute only mentions the “arresting agency” and the “detention center”. The statue further says that the rate the department pays for the detention of its arrestees is the rate we agree upon with the “detention center,’ not the county of arrest. Since Carbon County does not detain the departments arrestees, the department should not pay Carbon County. The department, therefore, will not contract with Carbon County for detention of department arrestees, but will contract with and reimburse directly the counties that house department arrestees.”, and

WHEREAS, The Montana Department of Corrections has recently interpreted MCA 7-32-2242 to mean that they do not have the authority to contract with a county that does not operate their own facility, but never the less has Carbon and Stillwater County responsible for billing and tracking of inmates where they were the initial arresting agency,

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to amend MCA 7-32-2241 by adding the definition of “Arresting Agency” to more clearly state that the Montana Department of Corrections is solely responsible for inmates remanded to their control and supervision.

2014 ACTION

Sponsor: Carbon & Stillwater Counties
Referred To: MACo Justice & Public Safety Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-05

COUNTY ORDINANCE FOR COMPRESSION BRAKES

It is the intent of the Montana Association of Counties to support establishing a county ordinance for excessively noisy engine compression brakes.

WHEREAS, many county subdivisions cluster along highways leading into congested urban and rural areas; and

WHEREAS, truck traffic loading and dropping off freight and supplies is a continual occurrence in these rural areas and communities; and

WHEREAS, often the trucks are not equipped with a muffler in good working condition to prevent excessive noises from the engine’s compression brake device; and

WHEREAS, this excessive noise continually during the day and night hours have a very negative effect on the resident’s peace and quiet; and

WHEREAS, this nature of noise pollution is encouraging the use of signage and, where applicable, fines and forfeitures to curtail the noise problem.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek legislation to allow for the establishment of a county ordinance for excessively noisy engine compression brakes. The resolution will give county governments the ability to apply fines and forfeitures for violation of the established ordinance.

Currently, the state Department of Transportation uses “MCA 61-9-321 – Engine compression brake device – use” to allow for the placement of signs in targeted areas and enable law enforcement to enforce the regulation.

2014 ACTION

Sponsor: Jefferson County
Referred to: MACo Transportation Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-06

COUNTY ROAD PERMIT FEES FOR OVERSIZE & OVERWEIGHT VEHICLES

It is the intent of the Montana Association of Counties to create a revenue source for local governments to help mitigate the impact on county roads caused by overweight and oversized loads.

WHEREAS, the majority of the oversized and overweight vehicles traveling on county roads originate from outside the jurisdiction of the local authorities; and

WHEREAS, these oversized and overweight vehicles travel on county roads to complete their deliveries on state highways; and

WHEREAS, most of these vehicles may enter and leave the state of Montana without purchasing any fuel.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties shall seek legislation to enable Montana counties to establish a permit system for overweight and oversized vehicles on county roads.

2014 ACTION

Sponsor: Roosevelt County
Referred to: MACo Transportation Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014



RESOLUTION 2014-07

DETERMINING LEGAL STATUS OF COUNTY ROADS & PUBLIC ROADS IN COUNTIES

It is the intent of the Montana Association of Counties to support efforts to provide assistance to counties in determining legal status of county roads and public roads in counties.

WHEREAS, there are roads, or segments of roads, that have been maintained and used for many years whose legal standing is uncertain; and

WHEREAS, some roads created through the petition process were not constructed exactly as described in the petition; and

WHEREAS, there are legal rights-of-way where a road was never constructed or has fallen out of use and is no longer maintained; and

WHEREAS, many county road books and maps have inaccuracies concerning the legal status of maintained roads and the depiction of legal rights-of-way where no road physically exists.

NOW, THEREFORE, BE IT RESOLVED, the Montana Association of Counties supports efforts to provide assistance to counties in determining legal status of county roads and public roads in counties.

2014 ACTION

Sponsor: Petroleum County
Referred to: MACo Transportation Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-08

ESTABLISH DEVELOPMENT AGREEMENTS UNDER MONTANA LAW

It is the intent of the Montana Association of Counties to establish a process and procedure in Montana law to authorize counties to enter into Development Agreements.

WHEREAS, currently Montana law does not provide a process and procedure authorizing counties to enter into Development Agreements for land use planning processes;

WHEREAS, under the United States Supreme Court decision in *Koontz v. St. Johns River Water Management District*, counties must analyze each mitigation measure proposed in the land use permitting process to ensure that there is no unconstitutional takings of a private property interest; and

WHEREAS, Development Agreements provide the landowner with certainty for the governing regulations for the development project, easier and less-costly financing because of the reduction of the risk of non-approval, the ability to negotiate the right to freeze regulations as to changes in the project, the ability to bargain for support and coordination of approvals, predictability in scheduling the phases of development, vesting of development rights, and a change in the dynamics of the development process from confrontation to cooperation.

WHEREAS, Development Agreements provide counties with the facilitation of comprehensive planning and long-range planning goals, commitments for public facilities and off-site infrastructure, public benefits otherwise not obtainable under the regulatory takings doctrine, and the avoidance of administrative and litigation costs and expenditures.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to establish a process and procedure in Montana law to allow Counties to enter into Development Agreements.

2014 ACTION

Sponsor: MACo Land Use & Development Committee
Referred to: MACo Land Use & Development Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-09

EXTEND SUNSET ON ENHANCED 9-1-1 FUND DISTRIBUTION

It is the intent of the Montana Association of Counties to support legislation to extend the "84-16" sunset in existing 9-1-1 statute for the enhanced wireless account.

WHEREAS, current statute requires 16% of the 9-1-1 wireless enhanced account to be distributed to:

1. wireless providers serving cities and counties with less than 1% of the total population of the State, and
2. cities and counties with less than 1% of the total population of the State; and

WHEREAS, the June 30, 2015 sunset date was based on the assumption that all 53 Public Safety Answering Points (PSAPs) would be converted to wireless enhanced 9-1-1 by that date and significant upgrade costs would not reoccur in the future; and

WHEREAS, significant progress has been made in deployments, but the goal has not yet been reached; and

WHEREAS, without this extension, the 31 counties with less than 1% of the total population would see a reduction in their quarterly distribution while the 9 largest counties would see an increase in their quarterly distribution; and

WHEREAS, statewide enhanced 9-1-1 has proved to be a life-saving service; and

WHEREAS, it is in the best interest of the public to ensure that there is adequate funding to support the deployment and ongoing delivery of enhanced 9-1-1 services by wire-line and wireless service providers and public safety answering points and the public safety agencies that respond.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties supports legislation to extend the "84-16" sunset in the existing 9-1-1 statute, 10-4-313, MCA, for the enhanced wireless account.

2014 ACTION

Sponsor: MACo Staff
Referred to: MACo Justice & Public Safety Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-10

FUNDING FOR CONTROL OF AQUATIC INVASIVE SPECIES

It is the intent of the Montana Association of Counties to support permanent funding for the prevention and control of aquatic invasive species.



WHEREAS, aquatic invasive plants, mussels, and other non-native aquatic species threaten the natural resource base in Montana; and

WHEREAS, the State of Montana must make a resolute and coordinated effort to address aquatic invasive species while new introductions can be prevented, and established populations can be eradicated, controlled, or contained; and

WHEREAS, the current one-time-only funding per biennium makes it difficult to develop and implement long-term management of aquatic invasive species; and

WHEREAS, Montana is currently experiencing aquatic noxious weed populations that are expanding, and control costs can exceed \$1500 per acre, and other aquatic invasive species may be more costly to control; and

WHEREAS, county weed districts have authority over controlling aquatic noxious weeds, and budgets are inadequate to cover costs associated with control.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties shall support legislation to set up a permanent fund for the control of aquatic invasive species that does not divert terrestrial noxious weed funding.

2014 ACTION

Sponsor: Sanders County

Referred to: MACo Agriculture Committee

Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-11

**GENERALLY REVISE LAWS
APPLICABLE TO COUNTY GOVERNMENT**

It is the intent of the Montana Association of Counties to seek legislation to clarify, update, and correct statutes applicable to county government.

WHEREAS, over the course of time laws applicable to county governments sometimes become outdated or antiquated; some sections come into conflict with other sections and others are not adequately clear to provide consistent interpretation and understanding; and

WHEREAS, during the normal course of county business there are a number of changes to the MCA that are identified as needed for clarity and updating; and

1. WHEREAS, counties may provide public notice by publication or posting, however there is no specific statute providing direction on how notice by posting should be done such as is the case for municipalities, therefore statute mirroring the municipal statute, 7-1-4135 should be enacted to provide such direction; and
2. WHEREAS, statute does not provide direction on the storage and retention of board/trustee meeting minutes for special purpose districts. The public has the right to access public records pursuant to Title 2, Chapter 6 MCA but do not know where such records for special purpose districts are stored, therefore statute should be enacted requiring special purpose district meeting minutes be filed or recorded with the county clerk and recorder as a uniform depository of such records; and

3. WHEREAS, Section 7-14-2606 related to a county surveyor is antiquated in that it requires a “competent” surveyor to be used which is in conflict with Title 2, Chapter 15, Part 17 which requires surveyors to be registered with the Board of Professional Engineers and Land Surveyors. Section 7-14-2606 also limits the daily rate a surveyor can be paid to \$7.00/day, therefore section 7-14-2607 should be amended to change the reference from a “competent” surveyor to a “registered” surveyor and the daily payment rate should be repealed; and
4. WHEREAS, section 7-4-2312 and 7-4-2503 related to setting the salary of a county elected officer holding a consolidated office are in conflict, therefore should be amended to clarify that the percentage adjustment for the salary of an officer holding a consolidated county elected office is set for an entire term of office; and
5. WHEREAS, section 2-9-211 MCA allows “All political subdivisions” to procure insurance separately or jointly with other subdivisions and may elect to use a deductible or self-insurance plan, wholly or in part. Nonprofit entities created by governmental units to carry out governmental purposes are not included in the definition of political subdivisions but participate in joint risk sharing pools created by political subdivisions, therefore 2-9-211 should be amended to include nonprofit entities created by governmental units; and
6. WHEREAS, section 7-32-2107 limits the reasons a deputy sheriff may be terminated, which was enacted in 1895 and has not been amended to be compatible with the Wrongful Discharge Act and section 7-32-2108 requires a written notice of termination of a deputy sheriff to be “subscribed and sworn to”, which has been interpreted to mean “notarized, which is not required for terminations of any other employees, therefore 7-32-2107 should be amended to remove antiquated language and updated to include “Good Cause” as defined in the Wrongful Discharge Act as reason for termination of a sheriff’s deputy and 7-32-2108 should be amended to remove the “subscribed and sworn to” language; and
7. WHEREAS, the audit threshold under the Single Audit Act is tied to the Federal Audit threshold of \$500,000. The federal threshold is scheduled to increase to \$750,000 therefore section 2-7-503 should be amended specify the audit threshold in Montana remains at \$500,000; and
8. WHEREAS, section 15-10-203 was enacted in 1974 and requires a display advertisement be run and a public hearing to be held when a taxing jurisdiction intends to increase property taxes above the prior year, which does not consider subsequent legislation, codified in 15-10-420 that limits property taxes to the prior year levels plus an inflationary growth allowance, voted levies and levies that are exempt from the property tax limitations so it could be construed that 15-10-403 requires a display advertisement be run every year, irrespective of increases allowed in 15-10-420, therefore 15-10-203 should be amended or repealed to conform with 15-10-420; and
9. WHEREAS, section 7-7-2101 limits debt being incurred in excess of \$500,000 without voter approval and is in conflict with 7-7-2402 that establishes different thresholds depending upon a county’s total taxable value, therefore 7-7-2101(2) should be repealed to remove this conflict; and



(RES. 2014-11, GENERALLY REVISE LAWS, CONTINUED)

- 10. WHEREAS, sections 7-4-2104 and 7-4-2106 require a county commissioner to have been a resident of the county and district being represented for two years prior to being elected or appointed. This has always been interpreted to mean two years immediately preceding the date of election or appointment, however this has recently been brought into question, therefore statute should be amended to clarify the residency requirement as being two years immediately preceding being elected or appointed; and
- 11. WHEREAS, section 7-6-2106 provides for the process to fill a vacancy on the board of county commissioners and includes the process for an appointment for partisan and independent offices but does not include non-partisan held offices, therefore 7-4-2106 should be amended to include non-partisan offices; and
- 12. WHEREAS, the 2009 legislature created the Uniform Act for Special Purpose Districts which was codified in Title 7, Chapter II, Part 10 MCA which repealed numerous separate authorizing statutes for various special purpose districts in order to provide more uniformity in the creation, alteration, dissolution, operations and finance of special purpose districts and consolidated the numerous processes. However "household unit" as an allowable assessment methodology for service charges as provided in 7-313-232 MCA (Repealed) was inadvertently omitted as an allowable assessment methodology in the Uniform Act, therefore 7-11-1024 should be amended to restore "household unit as an allowable assessment method; and
- 13. WHEREAS, section 7-6-616 provides for the establishment of a Capital Improvement Fund. Prior to 2003 this section provided for the creation of a capital improvement "program", which would include a plan for the use of the funds transferred to a capital improvement fund. This has caused confusion and lack of clarity about the allowable uses of money in a capital improvement fund, therefore 7-6-616 should be amended to require a capital improvement plan for the uses of such funds; and
- 14. WHEREAS, section 2-18-201 provides for the reimbursement rate for persons traveling on public business to be at the actual cost of lodging, not to exceed \$35/day, then provides an exception to allow the Department of Administration to establish a daily rate for certain public officers and employees at the applicable federal rate for the area, however it is impossible to locate lodging for \$35/day, therefore that limitation should be removed to make it clear that the federal daily rate is applicable to all public officers and employees; and
- 15. WHEREAS, county transactions are electronic and triplicate paper receipts are no longer used in our daily business, remove the requirement for issuing a receipt, in triplicate and delivering a copy to the county clerk in MCA 7-6-2116.
- 16. WHEREAS, the report is no longer being created or used, eliminate the need for an annual report, due in September, to the county superintendent of schools referenced in MCA 7-6-2801 (4).
- 17. WHEREAS, the current date for setting the rate for a lighting district is prior to the first Monday in September which is prior to setting other fees and levies. The date for setting all levies and assessments should be uniform therefore Section 7-12-2202 should be amended to reflect the standard rate and levy setting date; and

NOW, THEREFORE BE IT RESOLVED, that the Montana Association of Counties shall seek legislation Montana Association of Counties to seek legislation to clarify, update, and correct statutes applicable to county government.

2014 ACTION

Sponsor: MACo Staff

Referred to: MACo Resolutions & Legislative Committee

All MACo Committees Reviewed Applicable Sections

Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-12

HISTORIC ROAD RIGHT-OF-WAY DEED PURCHASE

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 and allow for reimbursement of rights-of-way acquisition.

WHEREAS, counties are authorized to inventory and identify all roads that are not deeded 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, 2015; and

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

WHEREAS, county roads are providing public access to all citizens; therefore, enhancing the value of school trust lands.

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 2021 and to extend the termination date to October 1, 2026. MACo supports reimbursement to counties for the cost to acquire historic right-of-ways over state lands.

2014 ACTION

Sponsor: MACo Staff

Referred to: MACo Agriculture Committee;

MACo Public Lands Committee; and

MACo Transportation Committee

Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-13

NOXIOUS WEED CONTROL FUNDING

It is the intent of the Montana Association of Counties to support adequate funding for noxious weed control.



WHEREAS, the need for and cost of noxious weed control has increased; and

WHEREAS, costs associated with weed control and the implementation of county weed management plans are continually increasing.

NOW, THEREFORE, BE IT RESOLVED, the Montana Association of Counties intends to support legislation from the Montana Weed Control Association that ensures adequate funding for county weed districts and reservations to enhance their terrestrial noxious weed management programs.

2014 ACTION

Sponsor: Madison County
Referred to: MACo Agriculture Committee; and MACo Public Lands Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-14

RETIREES AS INDEPENDENT CONTRACTORS

It is the intent of the Montana Association of Counties to seek legislation eliminating the requirement that employers pay contributions to the Public Employees Retirement System for retirees working as independent contractors.

WHEREAS, HB 105 of the 2013 legislative session instituted a requirement for employers to pay contributions on retirees in the Public Employees Retirement System working as Independent Contractors; and

WHEREAS, the term “independent contractor” is not defined under pension law; and

WHEREAS, there is no distinction within the retirement law on contribution payments to separate payments on time and/or materials for retirees working as independent contractors; and

WHEREAS, the lack of definition and clarity causes overpayment of employer contributions; and

WHEREAS, employers may have to challenge applicability to obtain clarification and/or refunds; and

WHEREAS, ambiguous applicability causes unnecessary additional employer time and expense;

WHEREAS, there are no additional benefits applied to the retiree for these contributions; and

WHEREAS, MCA §19-3-1106(7)(a), requires employer contributions on work performed by a retiree through a professional employer arrangement, an employee leasing arrangement, or a temporary service contractor.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek legislation to eliminate the requirement that employers pay contributions to the Public Employees Retirement System for retirees working as independent contractors.

2014 ACTION

Sponsor: MACo Staff
Referred to: MACo Taxation, Finance & Budget
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-15

STATE ASSISTANCE FOR MONTANA LIVESTOCK PRODUCERS TO MANAGE LIVESTOCK IN CARNIVORE COUNTRY

It is the intent of the Montana Association of Counties' Agriculture and Public Lands Committees to support efforts to seek state legislation to assist Montana livestock producers in an environment that may include large carnivores.

WHEREAS, Montana's livestock producers are outstanding land managers whose excellent stewardship greatly benefits hunters and outdoor sportsmen and sportswomen, sharing the outdoor legacy with future generations of Americans; and

WHEREAS, uncompensated economic pressure on Montana's livestock producers by large carnivores jeopardizes the future and existence of private land stewardship threatening the continued viability of ranching, hunting and outdoor sports; and

WHEREAS, the state authorization should allow participating livestock producers maximum latitude and flexibility to implement new rotational range management practices in managing livestock on all lands within Montana.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties' Agriculture and Public Lands Committees support an effort by Montana's Livestock industry and the Montana Livestock Loss Board to seek funding and appropriations via the Montana Legislature and federal government for programs to assist Montana's livestock producers and USDA Wildlife Services with the needed methods to control livestock losses and to prevent livestock losses by large carnivores.

2014 ACTION

Sponsor: MACo Districts 8, 9 & 12
Referred to: MACo Agriculture Committee; and MACo Public Lands Committee
Adopted: Annual Conference, Kalispell, MT, September 24, 2014

RESOLUTION 2014-16

WIND GENERATION IMPACT FEES

It is the intent of the Montana Association of Counties to clarify the wind generation facility impact fee for local governmental units and school districts.

WHEREAS, an owner or operator of a wind generation facility used for a commercial purpose is subject to an initial local governmental and local school impact fee for the first three years after construction of the wind generation facility begins. The impact fee of 0.5% is to be paid each year for three years.

WHEREAS, the current law leaves the law open to interpretation and dispute because it does not clarify the intent that the 0.5% impact fee is to be paid each year for three years.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties shall seek legislation to clarify that the wind generation facility impact fee of 0.5% is to be paid each year for three years.

2014 ACTION

Sponsor: MACo Staff
Referred to: MACo Health & Human Services Committee
Adopted: Annual Conference, Great Falls, MT, September 26, 2012



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MONTANA ASSOCIATION OF COUNTIES

Vision Statement

MACo enhances the public service mission of counties by promoting integrity and providing proactive leadership while acknowledging and respecting Montana's diversity.

MACo's GOALS

1. to educate and develop relationships with legislators, state officials and local elected officials regarding county structure, budgeting and operation
2. to provide education on self-determination techniques such as charter government and functional consolidation, and facilitating agreements
3. to educate the public using press releases distributed to local media to market county government
4. to promote effective tax reform including consideration of general sales tax.

SUGGESTED ACTION STEPS FOR MACO GOALS

Goal #1: to educate and develop relationships with legislators, state officials and local elected officials regarding county structure, budgeting and operations

SUGGESTED ACTIONS

- During district meetings, prepare a packet or presentation for commissioners and for legislators:
- MACo provides a reception for legislators at which a brief packet of information is provided.
- Provide a hotline to MACo during legislative session that legislators can use to ask questions about pending bills.
- Invite some legislators to attend new county officials orientation.
- More commissioners should be present every day at the legislative sessions.
- Commissioners attending the legislature wear a button stating "Ask me about county government."
- MACO Policy Statement modified and provided to legislators.
- Provide a follow-up to the session including a report card on how each legislator voted.
- Expand the box lunch.
- Lobbying starts at home, before the session.
- Conference calls with legislators.

Goal #2: to provide education on self-determination techniques such as charter government and functional consolidation, and facilitating agreements

SUGGESTED ACTIONS

- Provide a major workshop on the voter review process, and the implications of charter government, and functional consolidation and regionalizing services.
- Conduct a survey of existing interlocal agreements and models of alternative arrangements; an article in the MACo newsletter about the resources available.
- Develop a certification and continuing education credit program for commissioners. (An education committee was appointed.)

Goal #3: to better educate the public using press releases distributed to local media to market county government

SUGGESTED ACTIONS

- Ask NACo for training on how to effectively utilize the media.
- Develop the message with focus on what counties are accomplishing, so people can see what counties are actively doing.
- Pursue opinion/editorial features in newspapers, both issue-oriented and opinion-oriented.
- Provide a workshop to coach participants on what is important to write.
- MACo to send out news releases about meetings and what was done/discussed.
- MACo send news releases to individual counties to release to their local press.
- Create a media committee to advise MACo staff to develop the media concept. (A media committee was appointed.)

Goal #4: to promote effective tax reform including consideration of general sales tax

SUGGESTED ACTIONS

- MACo prepares and disseminates an opinion/editorial piece about counties' support of broad-based tax restructuring.
- Educate public about tax bills--pie charts and other demonstrations to indicate property tax distributions.
- MACo to work with legislator Jim Peterson on comprehensive sales tax bill.



MONTANA ASSOCIATION OF COUNTIES

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