



MONTANA ASSOCIATION OF COUNTIES

Policy Booklet

Adopted Policy Statements & Resolutions

2013 - 2015

MONTANA ASSOCIATION OF COUNTIES
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MONTANA ASSOCIATION OF COUNTIES

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Rina Fontana Moore.....	Cascade County.....	Clerk & Records
Carol Muessig	Yellowstone County.....	Clerks of Court
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Chris Hoffman.....	Ravalli County	Sheriff's & Peace Officers
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MONTANA ASSOCIATION OF COUNTIES

Table of Contents

MACo POLICY STATEMENTS

Introduction to MACo Policy Statements.....	Page 7
MACo Policy Statements	Pages 9-15
Agriculture.....	Page 9
Community, Economic Development & Labor	Pages 9 & 10
Energy	Pages 10
Health & Human Services.....	Page 10 & 11
Information Technology/Telecommunications	Pages 11
Justice & Public Safety.....	Page 11 & 12
Land Use Planning & Development	Pages 12 & 13
Public Lands	Pages 13 & 14
Resolutions & Legislative.....	Page 14
Taxation, Budget & Finance.....	Pages 14 & 15
Transportation.....	Page 15

MACo ADOPTED RESOLUTIONS

Introduction to MACo Resolutions	Page 17	
MACo Adopted Resolutions	Pages 19-27	
Res. 2010-01	Amending the IBMP	Page 19
Res. 2010-09.....	Interim Zoning.....	Page 19
Res. 2010-13.....	Mobile Home Disposal.....	Page 19 & 20
Res. 2010-17.....	Food Safety Compliance.....	Pages 20
Res. 2010-19	Statutory Continuation & Improvement of TIF.....	Page 20 & 21
Res. 2010-22.....	Technology Districts	Page 21
Res. 2010-10	Limit Use of County Road/Right of Way.....	Pages 21
Res. 2012-01	Automatic Re-Registration of Absentee Ballots	Page 21 & 22
Res. 2012-02.....	Board of Adjustment Appeals	Page 22
Res. 2012-03.....	Commissioner District Redistricting.....	Pages 22
Res. 2012-04.....	County Elected Official Vacancies.....	Page 22
Res. 2012-05.....	EMS Council Run Review	Page 22 & 23
Res. 2012-06.....	Equipment Auction Limits	Page 23
Res. 2012-07.....	Fuel Tax Bid Limits.....	Pages 23
Res. 2012-08.....	Interim Appointments	Page 23
Res. 2012-09.....	Justice Court Filing Fees	Page 23 & 24
Res. 2012-10	Legal Holidays.....	Page 24
Res. 2012-11	Livestock Assessment Date	Page 24
Res. 2012-12.....	Medical Marijuana Ordinance Authority	Page 24
Res. 2012-13.....	MT Land Information Act Funding.....	Page 25
Res. 2012-14	Noxious Weed Act Compliance.....	Page 25
Res. 2012-15.....	Open Cut Permit Fees.....	Page 25
Res. 2012-16.....	Overweight Permit Fees	Page 25 & 26
Res. 2012-17.....	Public Safety Communications System.....	Page 26
Res. 2012-18.....	School Zone Speed Limits.....	Page 26
Res. 2012-19.....	Special Use Fuel Permit Bond.....	Page 26 & 27
Res. 2012-20.....	State Agency Coordination.....	Page 27

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MONTANA ASSOCIATION OF COUNTIES

2013-2015 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 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.

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 January 2013-2015.

2013-2015 REAFFIRMED MACo POLICY STATEMENTS

All Policy Statements were reaffirmed as of the MACo Annual Conference, Great Falls, MT, September 26, 2012.

MACo COMMITTEE	PAGE NUMBER
Agriculture	9
Community, Economic Development & Labor	9 & 10
Energy	10
Health & Human Services	10 & 11
Information Technology/Telecommunications	11
Justice & Public Safety	11 & 12
Land Use Planning & Development	12 & 13
Public Lands	13 & 14
Resolutions & Legislative	14
Taxation, Budget & Finance	14 & 15
Transportation	15

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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 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 livestock and 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 all Farm Service Agency offices in Montana.
14. MACo supports increased funding for advanced degrees and programs in veterinary science throughout Montana's institutions of higher learning.
15. 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.
16. 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.

17. 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.

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

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

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 siting 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 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.



(HEALTH & HUMAN SERVICES continued . . .)

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 child-care 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. Licensing, monitoring of providers, information and referral, and assistance in selecting appropriate care should be available to all without regard to income or resources.
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 participat-

ing 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.
17. 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.
18. MACo supports legislation that would increase the maximum veterans' interment allowances.

INFORMATION TECHNOLOGY & TELECOMMUNICATIONS

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.
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.

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.

(JUSTICE & PUBLIC SAFETY continued . . .)

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 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.
5. MACo supports state financing of district courts in conjunction with the concept that the courts are a state system.
6. MACo endorses limiting judicial expenditures in excess of adopted county budgets and opposes judicial orders of additional expenditures above the adopted county budget.
7. MACo believes that the state should continue to support the concept of regional juvenile detention facilities.
8. MACo supports legislation to allocate state funding to regional boards for operation and maintenance of regional juvenile detention facilities.
9. MACo believes that additional property tax authority should be established for the financial needs associated with juvenile detention services and 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 partnership between the state and local governments for the funding of defined minimum standards of court security in district, county, justice, and municipal courts, which in part, should come from those creating the potential threat to the judicial system and those participating in it.
15. MACo supports a permanent and stable governance structure and funding for the administration of the public safety communications system in Montana.
16. 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 seamlessly, to communicate effectively in an all-hazard emergency mission role.
17. MACo supports the statewide public safety communications system as a voluntary coalition of participating county governments, tribal nations and state agencies.
18. MACo will work to promote the statewide public safety communications system by communicating the governance structure and assisting with marketing and educational outreach at the local, state and federal levels.

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 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 supporting growth policies that adequately plan for economic development and cost-effective infrastructure.
9. MACo supports supporting 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 exemptions.
13. MACo believes that state coal tax revenues, earmarked for county planning activities, should be utilized for any planning programs deemed appropriate by Boards of County Commissioners.
14. 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.
15. MACo recommends that the state, as a coordinator, should provide for the inventory and analysis of data and make the information available to local governments.



(LAND USE PLANNING & DEV. continued . . .)

16. MACo recommends that the state, as a coordinator, should develop greater ability to provide specialized technical service where county government cannot support such specialization.
17. MACo recommends that the state, as a coordinator, should coordinate and encourage planning programs at all levels of government.
18. 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.
19. MACo believes that the State Department of Commerce should be the agency to coordinate planning between state, federal, regional, and local levels.
20. 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.
21. MACo urges federal government agencies to actively involve local governments in the initiation and refinement of federal planning and policy decisions.
22. MACo believes that there is a necessity for balance between land use regulation and the protection of private property.
23. 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 re-

source 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.
17. MACo opposes changing the definition in the Clean Water Restoration Act from "navigable waters" to "Waters of the U.S."

(PUBLIC LANDS continued . . .)

18. 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.
19. 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.
20. 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.
21. MACo supports the enhancement of a viable rangeland live-stock industry as an essential component of Montana's economy and is vital to affected communities.
22. MACo supports management practices that enhance forest health and sustained harvest and provide for multiple-use.
23. 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.
24. MACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buyout of grazing by non-ranching third parties.
25. 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.
26. 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.
27. MACo supports requiring regulation of bison by the Montana Department of Livestock to cross county lines.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

33. 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.

34. 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.

35. 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



(TAXATION, BUDGET & FINANCE continued . . .)

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 believes that local governments should be adequately compensated for all state and federal revenue sources affecting counties in Montana.
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 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.

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 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. 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.)

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MONTANA ASSOCIATION OF COUNTIES

2013-2015 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 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.

2013-2015 ADOPTED MACO RESOLUTIONS

All Resolutions were adopted as of the MACo Annual Conference, Great Falls, MT, September 26, 2012.

RESOLUTION NUMBER	SHORT TITLE	PAGE NUMBER
2010-01	Amending the IBMP	19
2010-09	Interim Zoning	19
2010-13	Mobile Home Disposal	19-20
2010-17	Food Safety Compliance	20
2010-19	Statutory Continuation & Improvement of Tax Increment Financing	20-21
2010-22	Technology Districts	21
2012-01	Automatic Re-Registration of Absentee Ballots	21
2012-02	Board of Adjustment Appeals	21-22
2012-03	Commissioner District Redistricting	22
2012-04	County Elected Official Vacancies	22
2012-05	EMS Council Run Review	22-23
2012-06	Equipment Auction Limits	23
2012-07	Fuel Tax Bid Limits	23
2012-08	Interim Appointments	23
2012-09	Justice Court Filing Fees	23-24
2012-10	Legal Holidays	24
2012-11	Livestock Assessment Date	24
2012-12	Medical Marijuana Ordinance Authority	24
2012-13	MT Land Information Act Funding	25
2012-14	Noxious Weed Act Compliance	25
2012-15	Open Cut Permit Fees	25
2012-16	Overweight Permit Fees	25-26
2012-17	Public Safety Communications System	26
2012-18	School Zone Speed Limits	26
2012-19	Special Use Fuel Permit Bond	26-27
2012-20	State Agency Coordination	27

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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

Adopted: Annual Conference, Billings, MT, September 29, 2010

2012 ACTION

Referred To: MACo Agriculture Committee

MACo Public Lands Committee

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

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

Adopted: Annual Conference, Billings, MT, September 27, 2010

Amended: MACo Executive Committee, Oct 08, 2010

2012 ACTION

Referred To: MACo Transportation Committee

MACo Community, Economic Development & Labor Committee

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

RESOLUTION 2010-13

MOBILE HOME DISPOSAL

It is the intent of the Montana Association of Counties to support 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 is 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

(RES. 2010-13, MOBILE HOME DISPOSAL continued . . .)

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

Adopted: Annual Conference, Billings, MT, September 29, 2010

2012 ACTION

Referred To: MACo Tax, Finance & Budget Committee

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

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

Adopted: Annual Conference, Billings, MT, September 29, 2010

2012 ACTION

Referred To: MACo Agriculture Committee

MACo Health & Human Services Committee

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

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,



(RES. 2010-19, STATUTORY CONTINUATION & IMPROVEMENT OF TIF continued . . .)

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.

2010 ACTION

Sponsor: MACo Community, Economic Development & Labor Committee

Adopted: Annual Conference, Billings, MT, September 29, 2010

2012 ACTION

Referred To: MACo Community, Economic Development & Labor Committee

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

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 allow 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 infra-structure; 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

Adopted: Annual Conference, Billings, MT, September 29, 2010

2012 ACTION

Referred To: MACo Community, Economic Development & Labor Committee

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

RESOLUTION 2012-01

AUTOMATIC RE-REGISTRATION OF ABSENTEE BALLOTS

It is the intent of the Montana Association of Counties to seek legislation allowing for the automatic re-registration of absentee ballots.

WHEREAS, the State of Montana is continuing to see growth in the use of absentee ballots; and

WHEREAS, the demand for resources to support efficient elections continues to outpace the counties’ ability to fund such demands; and

WHEREAS, the costs of mailing voter confirmations to those persons registered to receive absentee ballots is of substantial cost in every Montana county; and

WHEREAS, the voter database is updated through the mail ballot and NVRA (national voter registration act) process; and

WHEREAS, the data entered into the absentee ballot list is largely redundant and occurs on an annual basis under the current provisions of 13-13-212, MCA and adds nothing to the integrity of the voting process; and

WHEREAS, the use of the full mail ballot with the school districts and the municipalities has caused confusion with the electorate; and

WHEREAS, passage of the following proposed amendment to 13-13-212, MCA will carry no fiscal note if passed by the Montana Legislature; and

NOW, THEREFORE BE IT RESOLVED that the Montana Association of counties will seek legislation to allow automatic re-registration of absentee ballots.

2012 ACTION

Sponsor: Yellowstone County

Referred to: MACo Membership

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

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



(RES. 2012-02, BOARD OF ADJUSTMENT APPEALS continued...)

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 Committee

Referred to: MACo Membership

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

RESOLUTION 2012-03

COMMISSIONER DISTRICT REDISTRICTING

It is the intent of the Montana Association of Counties to seek legislation to restore pre-2009 statutory language to require changes in county commissioner districts be made earlier than six months before a primary election.

WHEREAS, prior to 2009 section 7-4-2102 stated: "No change in the boundaries of any commissioner district shall be made within 6 months next preceding a primary election", which required all changes in county commissioner district boundaries to be made at least six months before a primary election; and,

WHEREAS, Chapter 291 Session Laws of Montana (SB 148) changed Section 7-4-2102 to read: "A change in the boundaries of any commissioner district must be made within 6 months preceding a primary election" which means that changes must be made within a very short window of time, that being within six months before a primary election but before the open of candidate filing; and,

WHEREAS, this change was an inadvertent drafting error.

NOW, THEREFORE, BE IT RESOLVED, the Montana Association of Counties seek legislation to restore the time period for changing county commissioner boundaries to at least six months before a primary election.

2012 ACTION

Sponsor: MACo Districts 1, 2 & 3

Referred to: Resolutions & Legislative Committee

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

RESOLUTION 2012-04

COUNTY ELECTED OFFICIAL VACANCIES

It is the intent of the Montana Association of Counties to seek legislation to amend the statutory dates related to filling vacancies in county elected offices.

WHEREAS, statutes establish the dates related to filling vacancies in county elected officials; and

WHEREAS, the Military and Overseas Citizen Voter Empowerment Act imposed new deadlines for ballots to be available to certain registered voters; and

WHEREAS, the established deadlines make it difficult, and in some cases impossible, to meet the deadlines for certification of the ballots, and the deadlines for nominations of candidates, filling candidate vacancies, conducting special candidate filing periods, notification requirements, and requesting nominations from county central committees.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties will seek legislation to provide sufficient time when elections are necessary to fill vacancies for the remainder of county elected officials terms of office.

2012 ACTION

Sponsor: MACo Staff

Referred to: MACo Resolutions & Legislative Committee

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

RESOLUTION 2012-05

EMS COUNCIL RUN REVIEW

It is the Intent of the Montana Association of Counties to create a mechanism to allow for the review of Emergency Medical Dispatch calls for quality assurance purpose through local EMS Councils and provide confidentiality of these medical run reviews.

WHEREAS, The Montana Department of Public Health and Human Services (DPHHS) has purchased and made an Emergency Medical Dispatch Program available to all Public Safety Dispatch Centers in Montana; and

WHEREAS, several Public Safety Answering Points have signed up for either the DPHHS Program or other Emergency Medical Dispatch Programs; and

WHEREAS, all Emergency Medical Dispatch programs have the need for the review of calls and response data as part of their quality assurance process; and

WHEREAS, the need to protect patient data is required under the Health Insurance Portability and Accountability Act (HIPAA); and

WHEREAS, Montana Code Annotated Section 50-6-415 establishes the confidentiality requirements in trauma case review.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to establish legislation to allow for the quality assurance review of Emergency Medical Service Dispatch programs.



(RES. 2012-05, EMS COUNCIL RUN REVIEW continued . . .)

2012 ACTION

Sponsor: MACo Districts 10 & 11
Referred to: MACo Health & Human Services Committee
Adopted: Annual Conference, Great Falls, MT, September 26, 2012

RESOLUTION 2012-06

EQUIPMENT AUCTION LIMITS

It is the intent of the Montana Association of Counties to eliminate the dollar amount for Counties purchasing equipment at public auctions.

WHEREAS, counties need to purchase equipment every year; and

WHEREAS, oftentimes public auctions offer quality equipment for sale; and

WHEREAS, per Montana Code Annotated Section 7-5-2303, in lieu of soliciting bids, the governing body may purchase at public auction any vehicle, road machinery or other machinery, apparatus, appliances, equipment, or materials or supplies for an amount less than \$60,000; and

WHEREAS, the dollar amount stated in MCA 7-5-2303 has not been raised since 1991.

NOW, THEREFORE, BE IT RESOLVED, MCA 7-5-2303 be amended to eliminate the dollar amount.

2012 ACTION

Sponsor: MACo Districts 8, 9 & 12
Referred to: MACo Transportation Committee
Adopted: Annual Conference, Great Falls, MT, September 26, 2012

RESOLUTION 2012-07

FUEL TAX LIMITS

It is the intent of the Montana Association of Counties to seek legislation increase the required bid dollar amount for the use of gasoline and vehicle fuel tax funds to be consistent with other statutory county project formal bid process limits.

WHEREAS, pursuant to the provisions of Montana Code Annotated (M.C.A.) Section 15-70-101(5), counties that expend gasoline and vehicle fuel tax funds for public works projects are required to abide by statutes regarding the formal bidding process if the contract is in excess of \$25,000; and

WHEREAS, pursuant to M.C.A Section 7-5-2301, counties are required to adhere to the formal bidding process when contracts are in excess of \$50,000; and

WHEREAS, in the interest of consistency and elimination of confusion, the statutory requirements for counties to engage the formal bidding process should be the same, for all situations, and

WHEREAS, M.C.A. Section 15-70-101(5) MCA should be amended to increase the amount to \$50,000, at which point the use of gasoline and vehicle fuel tax funds will require compliance with the statutes regarding the formal bidding process; and

WHEREAS, by increasing the amount to \$50,000, counties will have more flexibility in letting public works contracts, considering that the cost for materials and labor in road construction contracts has increased through the years, resulting in contracts under \$50,000 being considered relatively small contracts for which the formal public bidding process can be cumbersome and inappropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties will seek legislation increase the required bid dollar amount for the use of gasoline and vehicle fuel tax funds to be consistent with other statutory county project formal bid process limits.

2012 ACTION

Sponsor: MACo Districts 6 & 7
Referred to: MACo Transportation Committee
Adopted: Annual Conference, Great Falls, MT, September 26, 2012

RESOLUTION 2012-08

INTERIM APPOINTMENTS

It is the intent of the Montana Association of Counties to seek legislation to authorize a temporary, interim appointment to fill county elected official vacancies.

WHEREAS, current Montana statutes do not provide for interim appointments to fill county elected officials vacancies on a temporary basis, to allow time for adequate notice to be provided to the public of the vacancy; and

WHEREAS, when a county elected officials office becomes vacant, the authority vested by law in that officer ceases to exist; and

NOW, THEREFORE, BE IT RESOLVED, that MACo will seek legislation to authorize a temporary, interim appointment to fill county elected official vacancies.

2012 ACTION

Sponsor: MACo Staff
Referred to: MACo Resolutions & Legislative Committee
Adopted: Annual Conference, Great Falls, MT, September 26, 2012

RESOLUTION 2012-09

JUSTICE COURT FILING FEES

It is the intent of the Montana Association of Counties to attempt to seek legislation to increase the current filing fees enumerated in M.C.A. 25-31-112 and M.C.A. 25-35-608.

WHEREAS, Justice Court Subject Matter Jurisdiction was increased in M.C.A. 3-10-301 from \$7,000 to \$12,000; and the subject matter jurisdiction of the Small Claims Division of the Justice Court, M.C.A.3-10-1004, from \$3,500 to \$7,000; and

WHEREAS, pursuant to M.C.A. 3-10-601, the enumerated fees collected shall be credited to the general fund of the county; and

WHEREAS, Justice Courts and the Small Claims Division of the Justice Court have seen an increase in case filings and operating costs with the increase in Justice Court Subject Matter Jurisdiction; and



(RES. 2012-09, JUSTICE COURT FILING FEES continued . . .)

WHEREAS, the filing fees for Justice Court actions and Small Claims actions have not been adjusted by the Montana Legislature since 1989; and

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties shall seek legislation to increase the current filing fees enumerated in M.C.A. 25-31-112 and M.C.A. 25-35-608.

2012 ACTION

Sponsor: Lewis & Clark County
Referred to: MACo Justice & Public Safety Committee
MACo Tax Budget & Finance Committee
Adopted: Annual Conference, Great Falls, MT, September 26, 2012

RESOLUTION 2012-10

LEGAL HOLIDAYS

It is the intent of the Montana Association of Counties to seek legislation to clarify that the preceding Friday will be the observed day of a legal holiday if the legal holiday falls on a Saturday.

WHEREAS, counties with general government powers need legislative authority to establish the days in which legal holidays are observed; and

WHEREAS, all other forms of government, including the federal government, the state, schools, cities and towns and counties with self governing powers observe the preceding Friday as a legal holiday if the legal holiday falls on a Saturday;

WHEREAS, counties do not have the authority under Montana Statutes to observe the preceding Friday as a legal holiday should the legal holiday fall on a Saturday.

NOW, THEREFORE, BE IT RESOLVED, the Montana Association of Counties will seek legislation to clarify that the preceding Friday will be the observed day of a legal holiday if the legal holiday falls on a Saturday.

2012 ACTION

Sponsor: MACo Staff
Referred to: MACo Resolutions & Legislative Committee
Adopted: Annual Conference, Great Falls, MT, September 26, 2012

RESOLUTION 2012-11

LIVESTOCK ASSESSMENT DATE

It is the intent of the Montana Association of Counties to seek legislation to amend the reporting date of the County Livestock Protective Fee to fund a special livestock deputy to be consistent with reporting date required by the Montana Department of Revenue for per-capita livestock fees.

WHEREAS, the Montana Department of Revenue requires livestock owners to report the number of livestock they own for the per-capita fees on February 1 of each year pursuant to 15-24-902; and

WHEREAS, per Montana Code Annotated Section 81-06-104, the County Livestock Protective Committee may recommend to

the board of county commissioner the imposition of a fee on all cattle nine (9) months of age or older on January 1 of each year to be deposited into a county Livestock Special Deputy Fund; and

WHEREAS, the reporting dates are inconsistent.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties seek legislation to amend the reporting date of the County Livestock Protective fee to be consistent with the February 1st reporting date for the livestock per-capita fee required by the Montana Department of Revenue pursuant to 15-24-902.

2012 ACTION

Sponsor: MACo Districts 8, 9 & 12
Referred to: MACo Agriculture Committee
Adopted: Annual Conference, Great Falls, MT, September 26, 2012

RESOLUTION 2012-12

MEDICAL MARIJUANA ORDINANCE AUTHORITY

It is the intent of the Montana Association of Counties to seek legislation to reinstate the authority for a local government to adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating as storefront businesses, should the voters of Montana repeal Senate Bill 423 which was passed in the 2011 Legislative Session.

WHEREAS, the Montana Legislature passed Senate Bill 423 in the 2011 Legislative Session; and

WHEREAS, Senate Bill 423 provided local governments the authority to adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating as storefront businesses; and

WHEREAS, counties with general government powers require legislative authority to enact such ordinances; and

WHEREAS, the repeal of Senate Bill 423 has been placed on the November, 2011 General Election Ballot as Initiative Referendum No. 124 (IR-124); and

WHEREAS, if the voters of Montana repeal Senate Bill 423, counties with general government powers will no longer have the authority to enact ordinances or resolutions to prohibit providers and marijuana-infused products providers from operating as storefront businesses.

NOW, THEREFORE, BE IT RESOLVED, should the voters of Montana repeal Senate Bill 423 which was passed in the 2011 Legislative Session, the Montana Association of Counties shall seek legislation to reinstate the authority for a local government to adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating as storefront businesses.

2012 ACTION

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

**RESOLUTION 2012-13****MONTANA LAND INFORMATION ACT FUNDING**

It is the intent of the Montana Association of Counties to modify the funding formula within the Montana Land Information Act to ensure that a fixed percentage of the funds collected and sent to the state under that program are allocated for use by local and tribal governments.

WHEREAS, since the adoption of the Montana Land Information Act in 2005, questions have continuously arisen about the appropriate usage of funds collected as a result of the Act; and

WHEREAS, the amount of funding now directly allocated to state level programs without going through the grant process exceeds two-thirds of the state collections; and

WHEREAS, MACo has consistently maintained that the intent of the original act was to provide better funding opportunities to all governmental levels for GIS enhancement; and

WHEREAS, the current funding process utilized by the State does not ensure any level of funding to local or tribal governments; and

WHEREAS, the current funding allocation methodology is not deemed to be adequately meeting the GIS needs of local government.

NOW, THEREFORE, BE IT RESOLVED, section 90-1-410 (2) should be amended to reflect that fifty percent (50%) of funds collected in the fund as described in 7-4-2637 (20(iii)) shall be reserved for local and tribal government sponsored grants as described in 90-1-404.

2012 ACTION

Sponsor: MACo Districts 8, 9 & 12

Referred to: MACo Information Technology Committee

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

RESOLUTION 2012-14**NOXIOUS WEED ACT COMPLIANCE**

It is the intent of the Montana Association of Counties to seek or support legislation to amend the timeframes within the Montana County Noxious Weed Control Act to manage noxious weeds.

WHEREAS, County Commissioners and Weed Districts recognize that compliance is necessary to manage noxious weeds in support of landowners and to minimize infestation, which in turn reduces the economic obligations of public and private entities; and

WHEREAS, Montana Code Annotated Section 7-22-2123 encourages the management of noxious weeds once a complaint has been submitted to a Weed District; and

WHEREAS, the timeframes in the Montana Noxious Weed Act make it problematic to complete the process in a timely manner within the season that a non-compliance occurs; and

WHEREAS, the current timeframes of compliance under Montana Noxious Weed Act require significant time and expense before action can be taken by a Weed District to manage prop-

erties that are not in compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties will seek or support legislation to amend the timeframes within the Montana County Noxious Weed Control Act to manage noxious weeds.

2012 ACTION

Sponsor: MACo Districts 8, 9 & 12

Referred to: MACo Agriculture Committee

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

RESOLUTION 2012-15**OPEN CUT PERMIT FEES**

It is the intent of the Montana Association of Counties to restore the exemption from open cut permit fees that existed prior to 2009.

WHEREAS, prior to the passage of HB 678 (2009) counties were exempt from the fees imposed in Montana Code Annotated (M.C.A.) § 82-4-437; and

WHEREAS, counties in good faith agreed to pay the fees to provide additional funding to DEQ for additional staff in order to process open cut applications in a timely manner; and

WHEREAS, counties continue to experience long delays in obtaining DEQ approval of open cut applications.

NOW, THEREFORE, BE IT RESOLVED, the Montana Association of Counties seek legislation to restore the exemption for counties from the fees imposed pursuant to M.C.A. § 82-4-405.

2012 ACTION

Sponsor: MACo Districts 1, 2 & 3

Referred to: MACo Agriculture Committee

MACo Transportation Committee

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

RESOLUTION 2012-16**OVERWEIGHT PERMIT FEES**

It is the intent of the Montana Association of Counties to seek legislation that will provide for an equitable distribution of permit fees collected.

WHEREAS, the Montana Department of Transportation (MDT) issues overweight and over size permits for loads on highways and roads open to public travel; and

WHEREAS, MDT has no jurisdiction over county roads; and

WHEREAS, Montana Code Annotated (MCA) Section 61-10-121 authorizes counties to issue permits for such loads on highways over which counties have jurisdiction; and

WHEREAS, MCA Section 61-10-121 authorizes MDT to issue permits for such loads on highways over which MDT has jurisdiction; and

WHEREAS, MCA Section 61-10-126 requires that all fees for permits issued pursuant to 61-10-121 be forwarded to the department for deposit in the non-restricted account in the state special revenue fund.



(RES. 2012-16, OVERWEIGHT PERMIT FEES continued . . .)

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties shall seek legislation that will provide for an equitable distribution of overweight and over size permit fees collected.

2012 ACTION

Sponsor: MACo Districts 1, 2 & 3

Referred to: MACo Transportation Committee

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

RESOLUTION 2012-17

PUBLIC SAFETY COMMUNICATIONS SYSTEM

It is the intent of the Montana Association of Counties to support a permanent and stable governance structure and funding for the administration of the public safety communications system in Montana.

WHEREAS, the public safety of citizens and public safety responders of Montana is of paramount importance; and

WHEREAS, inter- and intra-jurisdictional interoperable public safety communications are critical to the mission of protecting the safety of citizens and public safety responders of Montana; and

WHEREAS, the State of Montana and the federal government have invested large sums of public funds in an effort to develop, deploy and administer a statewide interoperable public safety radio system in Montana; and

WHEREAS, public safety communications systems are a critical component of facilities and services use by private and public agencies in providing public safety services to Montana citizens; and

WHEREAS, a permanent and stable governance structure and funding distribution method is necessary to ensure the long term success of public safety communications in Montana; and

WHEREAS, the Legislature intends that the department receive funds to be used for public safety communications systems.

NOW, THEREFORE, BE IT RESOLVED, the Montana Association of Counties supports a permanent and stable governance structure and funding for the administration of the public safety communications system in Montana

2012 ACTION

Sponsor: MACo Districts 8, 9 & 12

Referred to: MACo Justice & Public Safety Committee

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

RESOLUTION 2012-18

SCHOOL ZONE SPEED LIMITS

It is the intent of the Montana Association of Counties to seek legislation to clarify that the Montana Highway Commission is not required to base its speed limit determination on the result of the engineering and traffic investigation when determining speeds in School Zones on State Highways.

WHEREAS, The Department of Transportation and the Highway Commission are required to set speed limits according to the results of engineering and traffic investigations set out in Montana Code Annotated Section 61-8-303; and

WHEREAS, engineering and traffic investigations do not consider school zones on State highways; and

WHEREAS, in many rural communities across Montana, Main Street is a State highway and the local schools are adjacent to Main Street; and

WHEREAS, setting of speed limits in school zones on State highways has a direct impact on the safety of school children and staff.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties will seek legislation to clarify that the Montana Highway Commission is not required to base its speed limit determination on the result of the engineering and traffic investigation when determining speeds in School Zones on State Highways.

2012 ACTION

Sponsor: MACo Districts 8, 9 & 12

Referred to: MACo Transportation Committee

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

RESOLUTION 2012-19

SPECIAL USE FUEL PERMIT BOND

It is the intent of the Montana Association of Counties to amend or repeal obsolete statutes regarding the special use fuel permit and related bond requirements.

WHEREAS, House Bill 319 (2011) requires any contractor bidding on a construction contract to list their special fuel users permit number on the bid document; and

WHEREAS, Contractors performing work on county projects are required to obtain a special fuel users permit; and

WHEREAS, Contractors must use taxed fuel on county projects; and

WHEREAS, prior to 2001 contractors could use non-taxed fuel on county projects; and

WHEREAS, prior to 2005 materials could be produced using non-taxed fuel for use on county projects; and

WHEREAS, legislation has been enacted that now requires the use of taxed fuel on county projects; and

WHEREAS, obtaining a special fuel users permit requires posting a bond to assure payment of fuel taxes; and

WHEREAS, possessing a special fuel users permit serves no purpose when the use of taxed fuel is required on county projects; and

WHEREAS, contractors doing work for the Counties must expend dollars to meet the requirements for special fuel users permitting; and

WHEREAS, contractors pass the cost to obtain special fuel users permits onto counties.

**(RES. 2012-19, SPECIAL USE FUEL PERMIT BOND continued . . .)**

NOW, THEREFORE, BE IT RESOLVED, Montana Law be amended to eliminate the requirement that contractors performing county projects possess a special fuel users permit

BE IT FURTHER RESOLVED, that House Bill 319 (2011) be repealed.

2012 ACTION

Sponsor: MACo Districts 8, 9 & 12

Referred to: MACo Transportation Committee

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

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 Public Lands 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

Referred to: MACo Public Lands Committee

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



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