



# LINCOLN COUNTY MONTANA

## Resolution 2021-23

### A RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEYS FOR THE PURPOSE OF PROSECUTING VIOLATIONS OF TITLE 33, CHAPTER 1, MONTANA CODE ANNOTATED

#### THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY, MONTANA FINDS:

1. The Office of the Montana State Auditor, Commissioner of Securities and Insurance is a criminal justice agency pursuant to Montana Code Annotated § 33-1-311 and is tasked with investigation and prosecution of violations of Title 33, Chapter 1 of the Montana Code Annotated;
2. The Office of the Montana State Auditor, Commissioner of Securities and Insurance intends to file criminal charges in Lincoln County relating to violations of Title 33, Chapter 1 of the Montana Code Annotated in *State v. Perez*;
3. Due to the specific expertise required in the prosecution of violations of insurance law, it is desired and deemed appropriate that Special Assistant Attorneys General from the Office of the Montana State Auditor, Commissioner of Securities and Insurance be appointed as special deputy county attorneys for the prosecution of the aforementioned case;
4. Montana Code Annotated §7-4-2707 authorizes the appointment of another attorney to perform criminal prosecutions for Lincoln County, and
5. Special Assistant Attorneys General from the Office of the Montana State Auditor, Commissioner of Securities and Insurance possess the specialized knowledge and specific expertise necessary to prosecute the aforementioned case.

#### THE BOARD RESOLVES:

1. That the attorneys assigned to the Office of the Montana State Auditor, Commissioner of Securities and Insurance, and any attorneys retained by the Office of the Montana State Auditor, Commissioner of Securities and Insurance, are hereby appointed as a Special Deputy Lincoln County Attorneys for the purpose of assisting in the prosecution of the aforementioned case.



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2. That the Office of the Montana State Auditor, Commissioner of Securities and Insurance, shall charge the County no fee for attorney time provided by its attorneys. Witness fees and expenses, jury costs, and other normal costs associated with trial will be the County's responsibility as with all other prosecutions.

## **THE BOARD FURTHER RESOLVES:**

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
2. This resolution and its various sections, clauses and paragraphs are severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the resolution will not be affected.
3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

## END OF RESOLUTION

Approved as to Form:

Marcia Borris, County Attorney

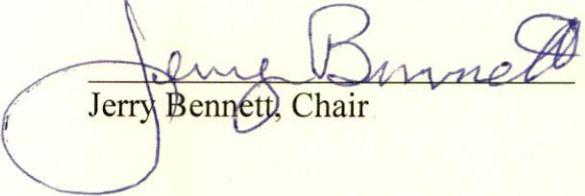


LINCOLN COUNTY  
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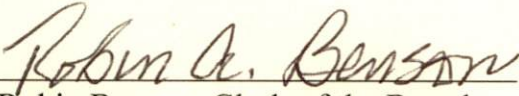
Date presented to the Board 7/28/2021 Approved (✓) Disapproved ( )  
Amended ( )

Adopted this 28<sup>th</sup> day of July, 2021.

LINCOLN COUNTY BOARD OF COMMISSIONERS

  
Jerry Bennett, Chair

ATTEST:

  
Robin Benson, Clerk of the Board

