



LINCOLN COUNTY MONTANA

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STATE OF MONTANA LINCOLN COUNTY

RECORDED: 02/05/2025 1:14 KOI: RESOLUTION

CORRINA BROWN CLERK AND RECORDER

FEE: \$0.00 BY *Crystal Dennon, Deputy*

FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS

RESOLUTION 2025-09

A Resolution Opposing Legislation Limiting or Prohibiting Montana Association of Counties Lobbying on Behalf of Its Members

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

WHEREAS, Lincoln County is a member of the Montana Association of Counties;

WHEREAS, Mont. Code Ann. § 7-5-2141 authorizes and empowers Montana's counties to join and pay for such membership with county funds, allowing for the cooperation with other counties of this state to further good governance and to protect county interests;

WHEREAS, the "Montana Association of County Commissioners" was formed in January 1909, for the purposes of providing advocacy on behalf of its members at the State Legislature;

WHEREAS, in 1973, the Association was reorganized as the "Montana Association of Counties" to allow for the creation of a permanent office and authorized the hiring of an Executive Director and appropriate staff to further that purpose;

WHEREAS, the Montana Association of Counties represents all 56 counties in Montana and shares the same constituents as the entire Montana Legislature;

WHEREAS, without Association representation on legislation that impacts counties throughout the state, advocacy by elected county officials will be muted through lack of representation in the Capitol Building;

WHEREAS, the alternative of sending Commissioners to Helena will result in significant time and costs incurred by each member county;

WHEREAS, while Zoom is an option for remote testimony, in our opinion it is not as effective as physical presence on a daily basis as legislation develops and does not allow meaningful participation outside the hearing rooms;

WHEREAS, local governments are intergovernmental partners in performing the work demanded by our like constituents, and the passage of legislation requiring local governments to carry out the demands of the legislature requires consultation with intergovernmental partners to ensure the consequences are intended and decisions are informed (Bradley v. Saxbe, D.C.D.C. 1974. United States District Court, District of Columbia);



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WHEREAS, the State of Montana, The Legislature, Governor’s Office, and other Statewide Elected Offices utilize and pay dues or fees with taxpayer funds for membership in similarly missioned organizations for advocacy on their behalf, which is inconsistent with the effort to limit the counties collective voices;

WHEREAS, the Montana Association of Counties, with direction from its leadership as elected by the full membership, carries out advocacy on the collective policies and direction of County Elected Officials, primarily County Commissioners.

NOW, THEREFORE, BE IT RESOLVED:

Be It Resolved, by order of the Lincoln County Commissioners, they hereby oppose any legislation that limits or prohibits lobbying by the Montana Association of Counties.

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 Boris, County Attorney

Date presented to the Board 2/5/2025 Approved Disapproved [] Amended []

Adopted this 5th day of February 2025.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Brent Teske, Chair

ATTEST: 

Corrina Brown, Clerk of the Board