

## **MONTANA**

Montana ranks 26th among the states in number of local governments, with 1,273 as of October 2007.

### **COUNTY GOVERNMENTS (54)**

The entire area of the state is encompassed by county government, except for Anaconda-Deer Lodge County and Butte-Silver Bow County, which are counted as municipal governments in census statistics.<sup>1</sup> In Montana counties with county government, the governing body is called the county board of commissioners. Counties are divided into seven classes according to assessed valuation. Counties may operate under home-rule powers as charter governments.

### **SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (129)**

#### **Municipal Governments (129)**

Municipal governments in Montana are the cities and towns. They are divided into the following classes according to population size:

- First class-- 10,000 inhabitants or more
- Second class-- 5,000 to 9,999 inhabitants
- Third class-- 1,000 to 4,999 inhabitants
- Towns-- 300 to 999 inhabitants

Cities with between 9,000 and 10,000 in population may choose, by resolution of the city council, to be either first class or second class; cities with between 5,000 and 7,500 in population may choose, by resolution of the city council, to be either second class or third class; and cities and towns with between 1,000 and 2,500 in population may choose, by resolution of the governing body, to be either cities or towns. Municipalities may operate under home-rule powers as charter governments.

#### **Township Governments (0)**

Montana has no township governments, although the term "township" is applied to certain geographic subdivisions for the election of some county government officers.

### **PUBLIC SCHOOL SYSTEMS (332)**

#### **School District Governments (332)**

The following types of school districts in Montana are counted as separate governments for census purposes:

- Elementary districts
- County high school districts
- Community college districts
- K-12 school districts

An elected board of trustees governs each school district of the above types. Montana school districts may levy taxes and issue bonds.

Some elementary districts also provide for secondary education through "high school districts." A high school district consists of territory in one or more elementary school districts. A high school district is governed by the school board of the elementary district serving ex officio and, in some instances, may have additional members elected by residents of territory not embraced by the elementary district. High school districts are not counted as separate governments and are classified as dependent activities of the elementary district(s) they serve.

Each elementary district with the same district boundaries as a high school district is required to attach to the high school district to form a K-12 school district. The K-12 school districts have elected boards and powers similar to those of county high school districts. Under certain circumstances, a high school district may be created for the sole purpose of converting an elementary school district into a K-12 school district.

In addition, any county high school may be unified with the elementary district where the

county high school building is located to establish a unified school system with a unified board of trustees. These districts are formed after referendum.

Community colleges in Montana are operated by community college districts. These districts are established upon voter petition to the state board of regents and after referendum. An elected board of trustees governs each district. Community college districts may levy taxes and issue bonds.

### **Dependent Public School Systems (0)**

Montana has no dependent public school systems.

### **Other Educational Activities**

The full service education cooperatives in Montana (formerly called special education cooperatives) are created by contract between participating school districts to provide special education services. A joint board consisting of appointed representatives of each participating school district governs each cooperative.

These cooperatives receive contributions from the state and the participating school districts. Full service education cooperatives are classified as joint educational service agencies of the participating school districts and are not counted as separate governments.

The governing body of an elementary school district, high school district, county, or municipality not within a community college district may designate itself a community college service region for the purpose of levying a property tax to finance services from a community college district. These regions are not counted as separate governments.

### **SPECIAL DISTRICT GOVERNMENTS (758)**

Montana statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below.

### **Conservation Districts**

These districts are established by the state department of natural resources and conservation, upon petition of residents, after public hearing and local referendum. An elected board of supervisors governs each district. The districts may levy special assessments, issue bonds with voter approval, and require contributions from landowners benefitted by district activities.

### **Conservancy Districts**

Conservancy districts to provide water conservation and flood control facilities are established by the district court upon petition of landowners, after public hearing and local referendum. A board of directors, appointed by the district court, governs each district. The districts may levy ad valorem taxes, collect service charges, and, upon voter approval, issue bonds. These districts may also be called "flood control districts" or "dike districts."

### **County Park Districts**

These districts are created by resolution of the county governing body upon voter petition and after public hearing. The districts may serve an entire county, part of a county, or territory in more than one county. The districts are governed by at least three commissioners who are popularly elected. The districts may set property taxes and fees and may issue bonds.

### **County Water and Sewer Districts**

County water and/or sewer districts may serve one or more counties, a portion of a city or county, a portion of a city and county, or any combination of these. Districts may be created by the board of county commissioners upon petition of the voters or property owners, after hearing and referendum. The district governing body is a board of directors of three or five members that is popularly elected; in addition, corporations owning real property in

the district are entitled to one vote. In addition, the mayor of each municipality in the district appoints one additional member, and the board of county commissioners appoints one member from any unincorporated territory within the district. The districts fix rates and charges for services and levy assessments on lands benefitted by the district. With voter approval, the districts may issue revenue and general obligation bonds. The county commissioners are required by law to levy property taxes to pay for any bond deficits.

### **Drainage Districts**

Drainage districts are created by the district court upon petition of landowners and after hearing. An elected board of commissioners governs each district. The districts may issue bonds and levy assessments.

### **Fire Districts**

These districts are created by the board of county commissioners, after petition and hearing. An elected board of trustees governs each district. The county commissioners set the property tax rate needed to raise the revenues required by the district. A district may issue bonds.

Fire districts governed by the county governing body serving ex officio are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

### **Fire Service Areas**

Areas to provide fire protection are created by resolution of the county commissioners, upon petition of property owners and after public hearing. A board of trustees, either elected by the property owners or appointed by the county commissioners, governs each fire service area. The service area boards may issue special obligation bonds. The county commissioners set the rates and assessments needed to raise the revenues required by the district.

Fire service areas that are governed by the

county board of commissioners are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

### **Housing Authorities**

County governing bodies may establish housing authorities by resolution upon petition of county residents and after a public hearing. A municipality may be included in the county housing authority if the voters approve. A board of commissioners, appointed the county commissioners, governs each authority. Housing authorities may issue bonds and may fix rents and charges.

Municipal governing bodies may establish housing authorities upon petition of municipal residents and after public hearing and referendum. Other municipalities may participate after passage of a resolution by the governing body. The authorities are each governed by a board of seven commissioners appointed by the mayor. Housing authorities may issue bonds and may fix rents and charges.

### **Irrigation Districts**

Irrigation districts are established by the district court upon petition of landowners and after hearing. An elected board of trustees governs each district. The districts may levy ad valorem taxes and issue bonds. Two or more irrigation districts may operate under a joint board of control. Districts organized under earlier laws operate under the provisions of this law.

### **Joint Solid Waste Management Districts**

Joint solid waste management districts may be created by resolution of two or more boards of county commissioners. A board of directors, appointed by the boards of county commissioners, governs each district. Each county commission appoints one county commissioner, one representative for each incorporated city or town, one representative of each county or city board of health, and any

other representatives agreed to by the participating counties. In addition, municipalities that contract for services and are not located in a participating county may be represented on the board. The districts may issue bonds and may set service charges. The counties are required to levy property taxes to service the bonds. These districts may also be known as “joint refuse disposal districts.”

Solid waste management districts created by a single county, which may include municipalities in the district, are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

### **Local and Regional Port Authorities**

These authorities to provide transportation terminals are established by resolution of the governing body of a county or municipal government. A board of commissioners, either appointed by the governing body of the establishing government or elected by the voters, governs each authority. The authorities may fix fees and rentals, request ad valorem tax levies, and issue bonds. The creating government is required by law to levy ad valorem taxes to pay for any bond deficits. Similar provisions apply to regional port authorities, which serve two or more local governments.

### **Montana Municipal Insurance Authority**

This authority to provide an insurance pool for participating municipalities was established under a general law authorizing agreements between local governments. A board consisting of representatives appointed by participating cities governs the authority. The authority may assess premiums on participating cities and may issue revenue bonds.

### **Public Cemetery Districts**

Public cemetery districts are created by county

resolution upon landowner petition and after a public hearing and referendum. A board of trustees, appointed by the board of county commissioners, governs each district. The districts may determine the amount of revenue to be raised from ad valorem taxes.

### **Public Hospital Districts**

These districts are established by the board of county commissioners upon petition of property owners, after public hearing and referendum. An elected board of trustees governs each district. The districts may collect rates for services, issue bonds, and determine the amount of revenue to be raised from ad valorem taxes.

### **Public Library Districts**

Public library districts are created upon voter petition or resolution of the county governing body and after public hearing and referendum. A popularly elected board of trustees governs each district. The districts may levy property taxes.

### **Railway Authorities**

County rail authorities may be created for the preservation and improvement of abandoned rail lines for future use. The authorities are created by resolution of the county board of commissioners after a public hearing. Each authority is governed by a board of directors appointed by the board of county commissioners. The authorities may levy an ad valorem property tax with voter approval and may fix and collect fees and charges for services. The authorities may issue bonds.

Regional rail authorities may be created by two or more counties. The directors are appointed jointly by the participating counties. The regional rail authorities operate under the same revenue provisions as the county rail authorities.

## **Regional Airport Authorities and Joint Airport Boards**

These authorities may be created by joint resolution of two or more municipal or county governing bodies after a public hearing. A board of commissioners, appointed by the governing bodies of the member municipalities, governs each authority. An authority may issue revenue bonds and impose service charges. In addition, participating municipalities shall and participating counties may levy ad valorem taxes to meet fiscal needs as certified by an authority. Joint airport boards are similarly established.

## **Regional Water and Wastewater Authorities**

Authorities to provide for water supply or wastewater treatment may be formed by two or more political subdivisions through an intergovernmental agreement and the passage of ordinances, resolutions, or other appropriate action. The authorities are governed by a board with a minimum of three members that includes at least one representative for each member government. Authorities may fix rates and charges, as specified in the agreement, and may issue revenue bonds.

## **Resort Area Districts**

These districts serve portions of one or more counties. The creation of these districts is initiated by voter petition followed by a public hearing, referendum, and county resolution. Each district is governed by a board of popularly elected directors. The districts receive a voter-authorized resort tax and may issue bonds.

## **Television Districts**

Television districts construct, operate, and maintain television translator stations. These districts may include a part or all of any county or may include areas in more than one county and may include any municipality located within such county or counties. The districts are created by the board of county

commissioners upon petition of voters, and after public hearing and referendum. A board of trustees, appointed by the board of county commissioners, governs each district. The districts may levy ad valorem taxes and issue bonds.

## **Urban Transportation Districts**

Urban transportation districts are established upon voter petition to the county clerk and after hearing and referendum. The district is governed by a transportation board; the county commissioners and the governing bodies of each city or town included or partially included in the district determine if the board is elected or appointed. The districts may levy ad valorem taxes and issue revenue and general obligation bonds.

## **SUBORDINATE AGENCIES AND AREAS**

Shown below are various governmental designations in Montana that have certain characteristics of governmental units but that are treated in census statistics as subordinate agencies of the state or local governments and are not counted as separate governments. Legal provisions for some of the larger of these are discussed below (see "Public School Systems," above, regarding educational agencies of this nature).

Among the subordinate agencies and areas listed below, some represent "special taxing areas" within the territory of an established government. This method of financing additional services in limited areas by property taxation, while also used by some municipal and township governments in a few states, is more widely utilized by county governments. In the listing below of authorized county-related agencies, a bullet (\*) appears for each entity of this kind--i.e., any that may individually serve a portion rather than all of a county and for which a tax may be levied against the assessed value of property in the area served.

**Montana Board of Housing (state).** This board was established to provide mortgage

credit for low-income housing. The board consists of seven members appointed by the Governor with the consent of the senate. The board may collect interest, fees, and charges; make mortgage loans; and issue revenue bonds.

Other examples include:

### **State**

Forest fire protection districts  
Montana Agricultural Loan Authority  
Montana Board of Investments  
Montana Facility Finance Authority  
Montana Higher Education Student Assistance Corporation

### **County**

Aerospace transportation and technology districts (county)  
Business improvement districts (county)  
County airport authorities  
County building commissions  
County boards of health  
County museum districts  
County board of park commissioners  
District health units  
Fair districts  
Fire districts governed by county commissioners  
Fire service areas governed by county commissioners  
Herd districts  
Horse herd districts  
Joint fair and civic center commissions  
Livestock protective districts  
Local improvement districts  
Local water quality districts (county)  
\*Metropolitan sanitary and storm sewer districts  
Mosquito control districts  
Multijurisdictional service districts (county)  
Public library boards of trustees (county)  
Road districts  
Road improvement districts--1989 law  
Rodent control districts  
Rural improvement districts  
Solid waste management districts (created by

county)  
Technology districts (county)  
\*Weed control and weed extermination districts

### **Municipal**

Aerospace transportation and technology districts (municipal)  
Business improvement districts (municipal)  
City parking commissions  
Fire hydrant maintenance districts  
Industrial districts  
Local water quality districts (consolidated city-counties)  
Multijurisdictional service districts (municipal)  
Municipal airport authorities  
Municipal park commissions (cities of the first and second class)  
Park maintenance districts  
Public library boards of trustees (municipal)  
Special improvement districts  
Technology districts (county)  
Urban renewal agencies

### **Joint City-County**

City-county boards of health  
Public library boards of trustees (joint)  
Multijurisdictional service districts (joint)  
Transportation improvement authorities

### **Private associations**

The agricultural cooperative districts and Montana state grazing districts are classified, for census purposes, as private associations and are not counted as governments.

Montana laws also provide for various types of local areas for election purposes and administration of justice.

1. The city of Walkerville, located within the area of the former county of Silver Bow, continues to exist as a separate government.