

## RURAL IMPROVEMENT DISTRICT NOTICE CHANGES

It is the intent of the Montana Association of Counties to seek amendment of M.C.A. 7-12-2103 to make publication of intent to create a new Rural Improvement District unnecessary if 100% of included property owners agree by petition.

**WHEREAS**, Montana stature 7-12-2103 requires the board of county commissioners to pass a resolution of intent to create a Rural Improvement District before creating any special improvement district and 7-12-2105 M.C.A. requires a notice of resolution of intent to create a Rural Improvement District by published pursuant to 7-12-2121 prior to holding a hearing to create the district; and

**WHEREAS**, the purpose of the public hearing is to hear protest from any owner of property to be included within such Rural Improvement District; and

**WHEREAS**, when a petition to create a Rural Improvement District contains the consent of one hundred percent (100%) of all owners of property to be included within the district, there is no need to hear protects or hold a public hearing and further, the publication of notice to create the district unduly delays the creation of the district.

**NOW, THEREFORE, BE IT RESOLVED**, that the Montana Association of Counties along with the Montana Association of Clerk and Recorders and Election Administrators propose amending the language of Section 7-12-2102 M.C.A. to read as follows:

7-12-2102. Authorization to create rural improvement districts. (1) Whenever the public interest or convenience may require, the board of county commissioners is hereby authorized and empowered to order and create special improvement districts outside of the limits of incorporated towns and cities for the purpose of building, constructing, or acquiring by purchase one or more of the improvements of the kind described in 7-12-4102, in or for the benefit of the special improvement district.

(2) The board of county commissioners may order and create special improvement districts upon the receipt of a petition to create a special improvement district containing the consent of one hundred percent (100%) of all owners of property to be included within the district for purposes of making any improvements or acquiring private property for any purpose authorized by this part, the board of county commissioners shall pass a resolution creating the special improvement district.

(2) (3) The board of county commissioners may order and create special improvement districts

**SPONSOR:** Districts 4 and 5  
**RECOMMENDATION:** Do Pass  
**PRIORITY:** High  
**REFERRED TO:** MACo Land Use Planning and Development Committee  
**ADOPTED:** Annual Convention, Missoula, MT, September 29, 2004