

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - MONTANA**

### **City of Great Falls v. Board of Commissioners of Cascade County**

**Supreme Court of Montana - June 4, 2024 - P.3d - 2024 WL 2828039 - 2024 MT 118**

City filed petition seeking declaratory judgment that, pursuant to interlocal agreement that created consolidated city-county public health board, the consolidated board, as opposed to county board of commissioners, was the “local governing body” or “governing body” referenced in statutes providing such bodies with certain means of direct control and oversight over local health boards and that city mayor remained full voting member of consolidated board.

The District Court granted summary judgment in city’s favor. County board of commissioners appealed.

The Supreme Court held that:

- City’s claims were justiciable;
- Consolidated board was “governing body” referenced in statutes governing local health boards;
- City mayor or another designated commissioner was full voting member of consolidated board; and
- Intervening amendment of statute redefining term “local governing body” or “governing body” did not render appeal moot.

City’s claims, seeking declaratory judgment that, pursuant to interlocal agreement forming consolidated city-county public health board, the consolidated board, not county board of commissioners, was “governing body” referenced in amended statutes providing local governing body or governing body with certain means of direct control and oversight over local health boards and that city mayor remained full voting member of consolidated board, were justiciable, not non-justiciable political questions; statutes did not invalidate, limit, or supersede terms of interlocal agreement, and issues did not involve determinations of local government policy, but effect of governing statutory law on contractual agreement the parties made in exercise of their respective legal and policy discretion.

Pursuant to interlocal agreement forming consolidated city-county public health board, the consolidated board, not county board of commissioners, was “governing body” referenced in amended statutes providing such body with certain means of direct control and oversight over local health boards, even though interlocal agreement made no reference to a governing body; legislature had long authorized counties and cities to create consolidated boards by mutual agreement, previous statutory scheme long required coequal representation of participating city and county governing bodies, and amended statutes did not manifest any express or implied legislative intent to alter such coequal representation or preclude consolidated board from being the “governing body.”

City mayor or another designated commissioner was full voting member of consolidated city-county public health board; comprehensive statutory scheme specifically granted participating cities legal authority to participate, through consolidated city-county health boards, in the approval and

enforcement of local health and safety regulations affecting entire county without regard for city and county jurisdictional limits, and such authority did not disenfranchise county residents living outside jurisdictional limits of city, as consolidated board was created upon mutual agreement of elected city and county governing bodies, and pursuant to interlocal agreement, consolidated board consisted of members coequally appointed by city and county governing bodies.

Intervening amendment of statute redefining term “local governing body” or “governing body,” as referenced in statutes governing powers and duties of local boards of public health, local health officers, and local health regulations, did not render moot appeal by county board of commissioners from declaratory judgment that pursuant to interlocal agreement that created consolidated city-county public health board, the consolidated board, as opposed to county board of commissioners, was the “local governing body” or “governing body”; amendments continued to allow participating counties and cities to delegate all local public health regulatory authority to a consolidated board as the “local governing body” or “governing body.”