

COUNCIL RESOLUTION NO. 17-35

1 A RESOLUTION ESTABLISHING A POLICY TO BE FOLLOWED BY THE TREASURER  
2 OF THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA SHOULD MORE THAN  
3 ONE PERSON SEEK ASSIGNMENT OF A TAX LIEN CERTIFICATE PURSUANT TO  
4 §15-17-323 OF THE MONTANA CODE ANNOTATED ("MCA") AND PROVIDING FOR  
5 AN EFFECTIVE DATE HEREIN.

6 WHEREAS, The 2017 State Legislature amended §15-17-323 MCA  
7 to require a county treasurer, with input from the  
8 clerk and recorder and the county attorney, to  
9 develop a policy for assigning a tax lien when  
10 more than one person seeks the assignment and has  
11 provided the proof of mailing notice to the person  
12 to whom the property was assessed; and

13 WHEREAS, the Treasurer of the City-County of Butte-Silver  
14 Bow, in consultation with its County Attorney and  
15 Clerk and Recorder, has created such a policy to  
16 determine how to prioritize more than one request  
17 for the assignment of a tax lien certificate; and

18 WHEREAS, the governing body has determined that such policy  
19 is in conformance with §15-17-323(b), MCA.  
20

21 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS  
22 OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA,

23 SECTION 1: There is hereby established a policy for assigning

1 a tax lien when more than one person seeks the  
2 assignment and has provided the proof of mailing  
3 notice to the person to whom the property was  
4 assessed:

5 1. Assignments are given on a first come first  
6 serve basis.

7 2. Should more than one request be received  
8 simultaneously, the following factors will be  
9 utilized in the following order:

10 • Individuals who appear in person at the  
11 Treasurer's office will receive priority  
12 over mail-in requests.

13 • Mail in requests for assignment will be  
14 prioritized by date of receipt.  
15 Postmark dates will be used to determine  
16 priority between items of mail received  
17 in the same batch.

18 • As a last resort, the names of the  
19 individuals who have made simultaneous  
20 requests for tax assignment and whom  
21 have provided proof of mailing notice to  
22 the person to whom the property was  
23 assessed, shall have their names written  
24 on pieces of paper and a name shall be

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blindly selected by the City-County  
Clerk and Recorder in the presence of  
the City-County Treasurer.

SECTION 2: That this Resolution shall be in full force and  
effect from and after passage and approval.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOHN P. MORGAN  
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DAVE PALMER  
CHIEF EXECUTIVE

ATTEST:

SALLY J. HOLLIS  
CLERK AND RECORDER

\_\_\_\_\_  
BY \_\_\_\_\_  
ITS \_\_\_\_\_

1 APPROVED AS TO FORM:  
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5  
6 \_\_\_\_\_  
7 EILEEN JOYCE  
8 COUNTY ATTORNEY  
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10  
11 \_\_\_\_\_  
12 SHERYL RALPH  
13 CHAIRMAN, JUDICIARY COMMITTEE  
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