

Implementation MCA 7-1-206: Redress Petitions and Local Government Training

Montana State University Extension Local Government Center

Date: September 25, 2025

Executive Summary

House Bill 32 (2023) revised MCA 7-1-206, enabling citizens to petition for redress when local government entities violate statutory requirements. Following validated petitions against the CCVFD board, the MSU Extension Local Government Center conducted mandated training to support compliance, marking the statute's first implementation and reinforcing accountability in governance.

Introduction

In 2023, House Bill 32 was signed into law, establishing section 7-1-206 of the Montana Code Annotated (MCA). This statute, which took effect on October 1, 2023, provides a formal process for citizens to petition for redress when they believe a local government entity has failed to comply with applicable statutes governing its operations. The law is designed to enhance accountability, transparency, and responsiveness in local governance.

Overview of MCA 7-1-206

MCA 7-1-206 outlines a structured process for redress and corrective action:

- If at least 5% of qualified electors served by a local government entity file a petition alleging statutory noncompliance by the board, the petition must be submitted to the governing body that created the entity.
- The governing body must forward the petition to the county attorney. If a conflict of interest exists, the petition must be reviewed by a county attorney or prosecutor from another jurisdiction.
- If the reviewing attorney determines the petition has merit, the board of the local government entity is required to participate in training provided by the Local Government Center.
- The board must remit all necessary fees for the training.

- The Local Government Center must report all training activities resulting from such petitions to the Local Government Interim Committee.

The statute applies to local government entities as defined in MCA 2-7-501, excluding counties, consolidated city-counties, incorporated cities or towns, and school districts.

Summary of Petitions

Following the enactment of MCA 7-1-206, residents of the Canyon Creek Volunteer Fire District (CCVFD) submitted 12 petitions for redress to the Lewis & Clark County Attorney's Office during the winter of 2025. These petitions alleged various statutory violations by the CCVFD board, including failures related to public meeting laws, board member duties, and procedural transparency.

Due to a potential conflict of interest, the petitions were referred to the Broadwater County Attorney for independent review. After evaluation, it was determined that 11 of the 12 petitions had merit and warranted further action under the provisions of MCA 7-1-206.

Local Government Center Response

In accordance with the statute, the MSU Extension Local Government Center (LGC) was notified of the findings. However, the Center chose to delay training for the CCVFD due to significant board turnover. One board member had been recalled by voters, and two others resigned. On July 3, the Lewis & Clark County Commission appointed new members to fill the vacancies.

With a newly reconstituted board in place, the Local Government Center conducted a four-hour training session on July 24, 2025, for the CCVFD board and department leadership. The training addressed the topics outlined in the eleven validated petitions, in accordance with the requirements set forth in MCA 7-1-206.

During the training, the board identified several opportunities to establish additional policies and procedures that would help ensure compliance with legal standards and provide clear guidance for both current and future board members.

Conclusion

The Canyon Creek case represents the first implementation of MCA 7-1-206 since its enactment. It highlights the importance of statutory compliance and the mechanisms available to citizens to hold local boards accountable. The training session provided the newly appointed CCVFD board members with the knowledge and tools necessary to fulfill their responsibilities effectively and in accordance with Montana law.

Summary of Redress Petitions submitted to the Office of the Lewis & Clark County Attorney

Petition #2024-001

Issue: Exclusion of minority Trustees from meetings.

Details: The CCRFD Chairman scheduled board meetings without consulting the availability of other Trustees, particularly the minority party Trustees appointed by the County Commissioners. These meetings were held outside the regular schedule (third Monday of each month), violating CCRFD By-Laws and MCA 7-33-2105. This prevented minority Trustees from participating in governance and fulfilling their statutory duties.

Petition #2024-002

Issue: Suppression of minority Trustees' agenda items.

Details: Minority Trustees submitted agenda items for the September meeting in accordance with CCRFD By-Laws, but the Chairman failed to include them. This action obstructed their ability to represent constituents and fulfill their statutory responsibilities, demonstrating a disregard for the oath of office and the principles of fair governance.

Petition #2024-003

Issue: Demotion of Fire Chief without due process or public input.

Details: After a Special Meeting on 9/9/2024 where the Board committed to working with the Fire Chief on performance concerns, the Chief was demoted at the 9/21/2024 Regular Meeting without further discussion or explanation. The Chairman refused to meet with the Chief in the interim. The public viewed this as a violation of MCA 2-3-103 and a breach of public trust.

Petition #2024-004

Issue: Inadequate notice and transparency for policy changes.

Details: A Special Meeting on 9/30/2024 was called with only 36 hours' notice to amend the district's Standard Operating Guidelines (SOGs). The proposed changes were not made available to the public in advance, and the meeting was held outside the regular schedule. This violated MCA 2-3-111 and denied the public a reasonable opportunity to participate.

Petition #2024-005

Issue: Denial of public comment on amended policies.

Details: At the 9/30/2024 Special Meeting, the Board approved amended SOGs within an hour of the meeting's start. A verbal amendment was introduced during the meeting, but the Chairman denied the public an opportunity to comment. This violated MCA 2-3-111 and further eroded public confidence in the Board's transparency.

Petition #2024-006

Issue: Agendas omitted required public comment sections.

Details: Agendas for Special Meetings on 9/30 and 10/7/2024 failed to include a section for public

comment on non-agenda items, as required by MCA 2-3-103(1)(c). The public interpreted this omission as a deliberate attempt to silence dissent during increasingly contentious meetings.

Petition #2024-007

Issue: Last-minute agenda changes without public notice.

Details: The Chairman emailed amendments to the August 19, 2024 meeting agenda just two days before the meeting but did not update the publicly posted agenda. The public was unaware of the changes until the meeting began, violating MCA 2-3-103 and undermining public participation.

Petition #2024-008

Issue: Concealed email communications among Trustees.

Details: Trustees engaged in email discussions involving a quorum, which qualifies as a public meeting under MCA 2-3-202. Despite requests and legal guidance, the Trustees failed to disclose these communications, violating open meeting laws and MCA 2-3-201.

Petition #2024-009

Issue: Risk to mutual aid agreements due to leadership changes.

Details: The demotion and replacement of the Fire Chief jeopardized CCRFD's mutual aid agreements with other districts, as outlined in MCA 7-33-2108. Other fire district leaders expressed concern, and the Board ignored public warnings, potentially compromising public safety.

Petition #2024-010

Issue: Trustee eligibility and residency concerns.

Details: At the August 2024 meeting, the public raised concerns about whether Trustees met residency requirements. The Chairman failed to include the issue on the September agenda despite reminders. The public seeks verification of all Trustees' eligibility under applicable MCA provisions.

Petition #2024-011

Issue: Appointment of Interim Fire Chief without public input.

Details: At a Special Meeting on 10/7/2024, the Board appointed an Interim Fire Chief. The list of applicants was shared only one day prior, and the public was not given adequate time to review or comment. This violated MCA 2-3-103 and MCA 2-3-111 regarding public participation in significant decisions.

Petition #2024-012

Issue: Loss of public trust and request for Trustee removal.

Details: Petitioners cited ongoing transparency issues, late filing of meeting minutes, and a perceived conflict of interest involving a married couple on the five-member board. They requested the removal of specific Trustees under MCA 7-1-201(13), citing a breakdown in public trust and governance integrity.