

Public Safety Entity Cooperation Primer

LOCAL GOVERNMENT INTERIM COMMITTEE
MAXWELL PARSON – SEPTEMBER 2025

ENTITY COOPERATION

In a state as large and sparsely populated as Montana, emergency services, and governmental services in general, are often difficult to effectively deliver to citizens. To aid in service delivery, the state constitution provides for cooperation between local entities. Article XI, Section 7, of the [Montana Constitution](#) reads:

“Section 7. Intergovernmental cooperation. (1) Unless prohibited by law or charter, a local government unit may

- (a) cooperate in the exercise of any function, power, or responsibility with,
- (b) share the services of any officer or facilities with,
- (c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state, or the United States.

(2) The qualified electors of a local government unit may, by initiative or referendum, require it to do so.”

The general framework for these agreements is prescribed in the “[Interlocal Cooperation Act](#)” located in Title 7, Chapter 11, Part 1, MCA, while other sections of the MCA contain certain requirements for specific interlocal agreements. Section 7-11-105, MCA, lays out the requirements for all interlocal agreements including their:

- administrative processes;
- governance and structure;
- funding and financial mechanisms; and
- termination process.

An additional factor that dictates the structure of interlocal agreements is the size or “class” of the city or town involved in the agreement. The definitions of the various classes are found in section [7-1-4111, MCA](#) and can be seen, alongside any exceptions, in the table below:

Class of City or Town	Population requirements
First Class City	Greater than 10,000 or 9,000 -10,000 and the city council adopts a resolution
Second Class City	5,000 - 10,000
Third Class City	1,000 - 5,000 or 5,000 – 7,500 and the city council adopts a resolution
Town	300 - 1,000 or 1,000 – 2,500 and the city council adopts a resolution

The table on page 2 highlights the statutory requirements, management structure, and cooperation requirements for public safety entities in the various localities within the state.

Emergency Service	Is Service Required?	Managing Entity	Interlocal Cooperation Statutes
Law Enforcement: County	No, may be required through charter.	Sheriff's Office	7-32-4101, MCA & 7-32-101, MCA : <ul style="list-style-type: none"> HB 333 from the 69th Legislative session now requires county Sheriff's offices to provide law enforcement for third class cities and towns for an agreed upon or arbitrated fee. In counties with a taxable valuation of less than \$30 million a municipality and county may create a consolidated Department of Public Safety.
Law Enforcement: Municipality	Yes, 7-32-4101, MCA	Police Department, Sheriff's Office, or Board of Public Safety	7-32-4101, MCA : <ul style="list-style-type: none"> HB 333 permits third class cities and towns to contract with the county Sheriff's office for law enforcement. AG opinions from 1993 and 1977 indicate only a Chief of Police is required to comply with statute and that cities may contract with the county Sheriff's office for dispatch services.
Fire Protection: County	Yes, 7-33-2202, MCA	County Fire Chief	7-33-2202, MCA & 7-33-4101, MCA : <ul style="list-style-type: none"> Counties must have at least one rural fire district with an appointed chief and provide for the organization of volunteer fire crews/companies. Counties may contract with or annex a second or third class municipality upon agreement between the controlling bodies and a vote in the municipality if an annexation is being pursued.
Fire Protection: Municipality	Yes, 7-33-4101, MCA	Fire Department or Rural Fire District	7-33-4101, MCA : <ul style="list-style-type: none"> A first class municipality is required to provide its own services. A second class city or town may provide services itself, through an interlocal agreement, contract, or annexing to a rural fire district per 7-33-4115, MCA. Third class municipalities may provide services themselves, through an interlocal agreement, contract, annexing to a rural fire district, or consolidation with another fire protection provider.
Emergency Medical Services	No	Special District	Title 7, chapter 11, part 1, MCA : <ul style="list-style-type: none"> EMS services are not mandatory at any level. Licensing and oversight are handled by DPHHS.
Search & Rescue	No	Sheriff's Office	Title 7, chapter 11, part 1, MCA : <ul style="list-style-type: none"> S&R operations are not required, but, if created, consists of nonprofit entities who work directly with the county Sheriff.