

**PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS**

**MEAGHER COUNTY, MONTANA**

**Tuesday**

October 10th, 2023

8:30 a.m. – 3:30 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Rod Brewer called the meeting to order at 8:30 a.m.

**Commissioners Present:**

Chair Rod Brewer, Vice-chair Ben Hurwitz and Commissioner Errol Galt were present for the meeting.

**Claims Review / Minutes Review:**

**ACTION #1**

Commissioner Galt moved to approve the Minutes from October 3rd, 2023. Commissioner Brewer seconded the motion. A vote was taken and minutes were approved.

**County Attorney – Burt Hurwitz**

County Attorney Burt Hurwitz entered the Chambers at 9:00a.m.

Attorney Hurwitz initiated a discussion with the Commission regarding the dissolution of the Martinsdale TV District. Commissioner Galt stated that, according to Montana Code Annotated 7-11-1029, the Commission can pass a resolution of intent to dissolve the Martinsdale TV district upon its own request and then publish a notice of the intent for the public. Hurwitz agreed this was the proper procedure.

Hurwitz informed the Commission that Ryan Pierson, the County Sanitarian through Great West Engineering (GWE), has passed away. GWE has appointed a temporary replacement for the position however, Hurwitz requested that the Commission be open and flexible as Meagher County looks for a more permanent replacement.

Hurwitz stated that the City County Consolidated Planning Board will be meeting next week, October 18<sup>th</sup>, to continue discussion regarding the Badger Street / Lay Annexation Request.

Hurwitz is expecting to hear back from Gus Byrum from the Dept. of Commerce regarding who will be attending next week's Commission meeting on Affordable housing.

Hurwitz stated that there has been difficulty finding a new hire for the DMV / Victim Witness Advocate position. There has only been one applicant so far.

Hurwitz spoke with Vicki Marcus, Attorney for Tintina Montana, they are still waiting on a decision from the Supreme Court.

### **Health Nurse Report – Eva Kerr**

Eva Kerr entered the chambers at 10:05 p.m.

Kerr stated that she is still working with the school to get student vaccinations up to date.

Kerr stated she had received this seasons flu vaccine and has begun to administering flu shots to at risk people in the community.

Kerr has completed her monthly PHEP conference call and traveled to Lewistown for in-person training.

Kerr said the budget for Homemaker and Respite Care programs may need to be adjusted to accommodate the current need in the community. Commissioners agreed the program is beneficial and agreed to give financial support to the program if the current funding runs short.

Chair Brewer inquired about the Sanitarian position, Kerr stated that she will work with Attorney Hurwitz to see how to move forward.

### **3<sup>rd</sup> Quarter Board of Health Meeting**

Mayor Rick Nelson and Sandy Harris entered the chambers at 10:20 a.m.

Kerr informed The Commission of July – September diseases, reporting 19 cases of COVID-19 with one death, three dog bites with one person recommended for post-exposure treatment, one case of Campylobacter, one lead investigation, and one case of Shiga toxin-producing E. coli

Kerr reported an investigation in late September regarding gastrointestinal illness in multiple families. A state expert was consulted on the case.

Kerr confirmed that she still holds the position of Health Officer. She discussed how new legislation is affecting the position and will be meeting with the Public Health Institute soon to review the changes and discuss implementation.

### **LEPC LUNCH**

#### **Cemetery Report – Mike Marion – Rosie Spaulding**

Rosie Spaulding and Mike Marion entered the chambers at 8:25 a.m.

Marion stated the sprinkler system has been winterized and the cemetery truck is scheduled to have some maintenance work done at Berg Garage this week.

Spaulding clarified with the Commission that Marion will be doing all the snow plowing for the county buildings and we do not need to contract any snow plowing at this time.

#### **Non-Agenda Item**

Beth Hunt. Meagher County Senior Center entered the chambers at 12:45

Hunt stated the Meagher County Senior Center had partnered with Adult Education in recruiting The MT Assistant Attorney General to give a presentation on SCAMS on Thursday October 12th at 10:00 a.m. at the Senior Center. Hunt explained the importance of educating the public and elderly on how to avoid being scammed. Hunt encouraged the Commissioners to attend.

**Public Hearing Budget Amendment**

Finance Officer Dayna Ogle presented the Commission with budget amendments for the Treasurer’s Office, County Attorney’s Office and the Library.

**Action #2**

**Resolution 2023 #42  
Budget Amendment**

**WHEREAS**, the 2023.2024 budget has been set, and

**WHEREAS**, the General Fund, Treasurers Office (1000.203) was approved to hire a part time employee per Resolution FY 23.24 #30 and,

**WHEREAS**, the General Fund, County Attorney’s Office (1000.210) was approved to hire a part time employee per Resolution FY 23.24 #30 and,

**WHEREAS**, the General Fund will have unexpected expenses up to \$44,200 in wages and taxes for the new position and,

**WHEREAS**, the Health Insurance Fund (2371) will have unexpected expenses up to 8,100 for the new position and,

**WHEREAS**, the General Fund (1000) will have unexpected revenue in the amount of \$52,300 from Entitlement Funds.

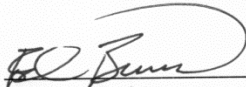
**NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED** that the Meagher County Board of Commissioners are amending the budget in the General Fund (1000) in the amount of \$44,200 (forty-four thousand two hundred dollars) and the Health Insurance Fund (2371) in the amount of \$8,100 (eight thousand one hundred dollars) for the unexpected expense and the unexpected revenue in the amount of 52,300 (fifty-two thousand three hundred dollars) associated with the new position.

Dated this 10<sup>th</sup> day of October, 2023

Attest:


Board of County Commissioners:


  
Dayna Ogle

  
Chairman Rod Brewer

Attest:

  
Commissioner Ben Hurwitz

  
Liv A. West  
Clerk & Recorder

  
Commissioner Errol Galt



**Resolution 2023 # 43**  
**Budget Amendment**

**WHEREAS**, the 2023.2024 budget has been set, and

**WHEREAS**, the Library Fund (2220) was approved, during the budget process, to open the Library on Saturdays from 10:00 a.m. to 1:00 p.m. and,

**WHEREAS**, the Library Fund (2220) will have an unexpected increase in wages in the amount of \$10,173 for the Library to be open on Saturdays and,

**WHEREAS**, the Library Fund (2220) will receive \$10,173 in unexpected revenue from Entitlement Funds and,

**WHEREAS**, the Library Fund (2220) will not increase their budgeted cash reserve for the increase in appropriations.


**NOW THEREFORE LET IT BE KNOWN AND HEREBY RESOLVED** that the Meagher County Board of Commissioners are amending the budget in the Library Fund (2220) for the unexpected expense and unexpected revenue in the amount of \$10,173 (ten thousand one hundred seventy-three dollars) associated with the additional hours.

Dated this 10<sup>th</sup> day of October, 2023

Attest:

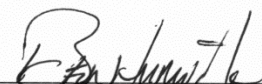
  
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Dayna Ogle

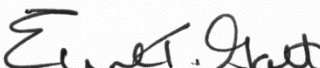
Board of County Commissioners:

  
\_\_\_\_\_  
Chairman Rod Brewer

Attest:

  
\_\_\_\_\_  
Liv A. West  
Clerk & Recorder

  
\_\_\_\_\_  
Commissioner Ben Hurwitz

  
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Commissioner Errol Galt



County Attorney Burt Hurwitz, Clerk & Recorder Liv West, Treasurer Maua Kusek, Deputy Treasurer Shauna Porter, White Sulphur Springs School Superintendent Justin Barnes, White Sulphur Springs School Clerk Kristi Sangray were present for the discussion.

Discussion opened with the ongoing dilemma regarding whether or not the Department of Revenue has the authority, according to MCA 15-10-420, to levy more than the authorized mill levy limitation, and if they have the authority to “carry forward” mills from subsequent years for school equalization mills. MCA 20-9-331,333, 360 that created the School Equalization Mills states the Department of Revenue cannot levy more 95 mills and is subject to 15-10-420 that limits the number of mills that can be levied. According to the Mill Levy Limitation Worksheet created by MCA 15-10-420, the Department of Revenue only has the authority to levy 77.89 mills in Fiscal Year 2023/2024, however in a letter from the DOR they are requesting all the counties to levy 95 mills.

Statewide the additional revenue that would be generated by levying 95 mills vs 77.89 mills on the taxpayers of Montana is an additional 100 million dollars. The School equalization funding has been set for the next two years and any excess revenue generated by the levy would go to the State's General Fund and not the school districts. It is MACo's stance that the Department of Revenue does not have the authority to levy more than the 77.89 mills according to 15-10-420 and is not subject to carry forward mills with the 95 mill "cap"

Multiple counties have passed resolutions to amend their budgets and only levy 77.89 State School Equalization mills, approximately 11 counties have the issue on their agendas for this week, with approximately 4 -6 counties opting to levy 95 mills. Some counties are planning to levy 95 mills and only remitting 77.89 mills to the State of Montana until a decision can be made on the legality of the 95 mills.

Commissioner Galt asked White Sulphur Springs School Superintendent Justin Barnes if levying 77.89 mills would be sufficient to fund the school budget. Barnes was not sure, he is hearing differing opinions on the issue and was not sure how the school equalization is calculated in Montana. In Meagher County the difference in the revenue generated from 95 mills and 77.89 mills is approximately \$195,000. The school equalization funding the White Sulphur Springs School receives from the State of Montana is almost double what the county generates from the levy. Deputy Treasurer Shauna Porter reviewed how the mill levy limitation form allows for a county or districts to levy what they levied last year plus an inflation factor and if the school based their budget on what they received last year plus an inflation factor then they should not have a shortfall.

Commissioner Galt presented an option for levying 95 mills and paying the difference between 95 mills and 77.89 mills under protest. County Attorney Hurwitz pointed out that typically paying under protest is something that is done at the county level and was not sure how statute would apply to a county paying the state under protest. At the county level if taxes are paid under protest the county must receipt the protested amount into a separate fund that is not available for general operating expenses until the protest has been resolved. The Commission will draft a letter stating their protest that will accompany the monthly payment to the Department of Revenue.

Treasurer Kusek stated she is anticipating sending out tax bills by October 25, 2023 with the first half due by November 30, 2023.

#### **Action #**

#### **Resolution FY 23.24 #44**

Galt moved to levy the 95 School Equalization Mills per Montana Department of Revenue Memorandum Dated September 11, 2023 however, 17.11 mills (approx. \$194,350.27) will be paid to the State of Montana under protest. Commissioner Hurwitz seconded the motion, A vote was taken and passed. The issue is hereby resolved.

#### **City Parks Recreation Committee – Tressa Blair, Pattie Berg, Carol Berg**

Carol Berg entered at 2:15; Tressa Blair entered the chambers at 2:30 p.m.

Berg and Blair opened by giving a background on the City Parks & Recreation Committee. The committee was created to explore and expand recreational opportunities within the city limits. The Committee is applying for a CDBG grant to develop a 5-10-year Master Plan document that will be used to help secure funding for future parks and recreation projects. Blair asked if the Commissioners would like to include the area outside the city limits known as the "2-mile donut" in the master plan and asked for the Commissioner support of the project. Blair will draft a support letter for the Commissioners to review.

**Express Votes Public Test – Liv West**

Commissioner Errol Galt left the chamber to publicly test the Express Votes voting machine. No issues arose during the public test.

**Public Comment / Claims Approval:**

Ryan Coffman. Republic Services Municipal Manager entered chambers at 2:50

Coffman opened by introducing himself and gave a background of his experience with Republic Services. Coffman stated he has not been able to locate a contract between Meagher County and Republic Services and stressed the need to put one in place. Ogle stated currently Meagher County owns the land and the building therefore does not pay any hauling costs associated with the transfer site, Meagher County Fire Department oversees the burn site, the transfer site manager is an employee of Republic Services and any fees collected at the site go directly to Republic Services. Coffman will draft a standard contract and present it to the Commission to review.

**Claims Approved:**

Commissioners were presented with Claim Check# 60778 through Check# 60793 totaling \$16,861.48. All Checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 3:30p.m.

**Next Meeting:**

Commissioners are scheduled to meet Tuesday, October 17th, 2023.

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**CLERK & RECORDER**

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**CHAIRMAN**

**SEAL**

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**VICE-CHAIRMAN**

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**COMMISSIONER**

Note: Minutes taken by Chief Financial Officer Dayna Ogle/ formatted by Clerk to the Commission Jennifer Deems. Distributed October 17<sup>nd</sup>, 2023 to Chairman Brewer, Vice Chair Hurwitz, and Commissioner Galt, and Clerk & Recorder Liv West.