

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

April 5, 12, 19, 2011

Tuesday

April 5, 2011

8:45am – 4:45pm

Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Hurwitz called the meeting to order at 8:45am.

Commissioners Present:

Vice Chairman Ben Hurwitz and Commissioner Herb Townsend.

Road Report:

Road Department Supervisor, Ray Ringer, met with the Commission to give his monthly road report.

Action 1:

Commissioner Townsend moved to request, on behalf of Meagher County, \$120,000 from the FWP for the care and maintenance of the 60-mile gravel road from the Cascade County line to Camp Baker. Vice Chair Hurwitz seconded. A vote was held and passed unanimously (2-0). It is so moved.

Hurwitz then wondered whether, if this is the last year for Secure Rural Schools funding, the county should consider using some money to replace a grader. Ringer responded that there is still a year left in the program. The oldest grader, he continued, is 12 years old, and Sean Ringer is overhauling it. He is doing it by the hour, while the Road Department supplies the parts, Ringer stated. Townsend suggested they should get a contract drawn up with Sean for his time and work.

Action 2:

Commissioner Townsend moved to put on the agenda of a future meeting the drawing up of a one-page contract for Sean Ringer to overhaul the D6 CAT at \$65/hr while the county supplies the parts. Hurwitz seconded. A vote was held and passed unanimously (2-0). It is so moved. It was then agreed to ask County Attorney, Kimberly Deschene to draw up the contract.

The status of the Feeback Bridge near Martinsdale was then discussed.

Southwest Chemical Dependency—Earmark Funds:

Jean McCauley, the Program Director of the Southwest Chemical Dependency, met with the Commission to give them an update. First, she mentioned that her center serves 22 adults and kids in Meagher County. They have recovery houses in Livingston, which usually work well if the stay is longer than 30 days. Townsend asked how they work. She replied that people just contact her if they have a need. It is rent free for residents, unless they start working, at which time they \$200 a month, all inclusive. All the money comes from state block grants, she continued.

Hurwitz asked whether her center was separate from the Centers for Mental Health. She replied that it was but that there was a lot of overlap between the work the two entities do. There is an alcohol earmark tax, she continued, a portion of which gets funneled to centers like hers to treat problems with alcohol. Last year, she pointed out, they had received approximately \$6500 from Meagher County through those earmark taxes.

McCauley is in the county three days a month and Ashley Holland, the center's prevention person, is in the county 239.5 hours a year.

Health Nurse Update:

Kari Jo Kiff, the County Health Nurse, met with the Commission to give her monthly update. Of primary concern were the following: 1) She is still having issues with the billing project. She needed to file an agreement with Medicaid, but there is little assistance from the state, she said, to help counties that are new starters with the billing. 2) She is unsure how the current legislative session will affect funding. The Tobacco Grant funding, MCH federal funding, CSBG funding, and the Bair Grant are all up in the air right now. 3) She concluded by telling the commissioners she would like to change from contractor to employee status, effective immediately. After further discussion, Townsend recommended she sit down with Clerk & Recorder, Dayna Ogle, to do a cost/benefit analysis to see how this would all work. Hurwitz agreed, stating that they really can't discuss anything at this time because they don't know what they are discussing.

Clerk & Recorder—Petty Cash/Cleanup Day:

Clerk & Recorder, Dayna Ogle, met with the Commission to discuss the petty cash account and cleanup day. She mentioned that the bank account the County has with Bank of the Rockies to hold the petty cash has started being assessed inactive fees. She asked if the account could be closed and the money put in the general fund. The Commission agreed.

Next she addressed the issue of cleanup day. She reminded the commissioners that the city and the county alternate years organizing it, but that the county missed the last two years and therefore should run it the next two. There is no date set yet, she continued, but in the past it has generally been held the third Saturday in May. It's expected that whoever runs the cleanup day will supply volunteers to man the transfer station and to bring lunch for the volunteers. Ogle asserted that the county needs to do this, that it's good for the community and will build goodwill. She even suggested telling the employees that they will get paid for the time they volunteer that day. The commissioners agreed. They also agreed that May 21, the third Saturday, would be a good time to hold it.

Discussion then turned to the issue of the county-sponsored recycling program. Hurwitz and Townsend discussed the annual fees paid by the county--\$6000—to Headwaters Recycling. Townsend wondered if that money couldn't be spent better. Hurwitz wondered what the actual usage was?

Chairperson Nancy Schlepp arrived at 11:15am.

Hurwitz said he felt most of the \$6000 cost is transport, but that again, it's hard to make a decision on it without knowing how many people actually use it. Clerk & Recorder Ogle suggested asking the community how they felt about the program.

Action 3:

Commissioner Townsend moved to get Headwaters Recycling on the agenda for a future meeting to discuss these issues and also to get public comment on the recycling program. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Airport Board Appointments:

The Commission received two applications for appointment to the Airport Board, one from Sam Berg and one from Kurt Burns.

Action 4:

Commissioner Townsend moved to accept the application of Sam Berg for appointment to the Airport Board. Vice Chair Hurwitz seconded. A vote was held and passed unanimously (3-0). It is so moved.

Action 5:

Commissioner Townsend moved to accept the application of Kurt Burns for appointment to the Airport Board. Vice Chair Hurwitz seconded. A vote was held and passed unanimously (3-0). It is so moved.

Treasurer Report:

County Treasurer, Sue Phelan, met with the commissioners to address a few issues. First, she mentioned that there was a county employee interested in taking a tax assignment. She said she

had asked around other county treasurers and the consensus seemed to be that while it was not illegal, it is unethical. And besides, she added, it just plain looks bad. She then asked the commissioners if something could be added to the county personnel policy handbook regarding tax assignments.

Action 6:

RESOLUTION 2011-#18

Vice Chair Hurwitz moved to make it official county policy that county employees and their families cannot take tax assignments. Commissioner Townsend seconded. A vote was held and passed unanimously. It is therefore resolved.

Phelan then addressed the issue of Anna Ullom and David Ashby and the delinquent taxes on their trailer. She said that taxes on the trailer delinquent since 2005 total \$399.47. But, she pointed out, County Assessor, Becky Hurwitz-Leger, was unable to locate any trailer on their property. Therefore, Phelan continued, she would like the Commission to forgive the back taxes and remove the property from the county tax rolls.

Action 7:

RESOLUTION 2011-#19

Commissioner Townsend moved to forgive the delinquent taxes on the Ullom/Ashby trailer totaling \$399.47 and to remove the trailer from the county tax rolls. Vice Chair Hurwitz seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

County Attorney Office Reorganization, Reduction in Force:

Chairperson Schlepp called this portion of the meeting, which took place in the County Attorney's office, to order at 1:05 pm. Also present, in addition to the three commissioners, were County Attorney Kimberly Deschene, Attorney Michael S. Kakuk, County Treasurer Sue Phelan, Clerk of the District Court Donna Morris, County Assessor Becky Hurwitz-Leger, Sheriff Deputies Nick Rauser and David Wendt, John Dracon, Sandy Pritchard, Christy Dodson, Chad Deschene, and Jason Phillips from the Meagher County News.

Chair Schlepp began by explaining that this is a public meeting to reorganize the County Attorney's office. It is not a question-and-answer session, she continued, but there will be public comment. Each person will be limited to five minutes testimony.

First up was Attorney Kakuk. He started by requesting that, since he was there representing both his client, Dayna Shepherd, and himself, he could take longer than five minutes for his testimony. Schlepp replied that she would monitor the situation and cut him off if necessary. Kakuk continued, apologizing on behalf of his client that she was unable to attend. She had had a four- to five-day stay in the hospital and is still recuperating and undergoing further tests. His client, he continued, informed him that she does not object to any decisions being made in her absence.

Kakuk continued saying that his issue with the entire reorganization is not a personal matter Ms. Deschene. In fact, he stated, he had had a twenty-minute conversation with her just yesterday. Rather he has issues with the public policy and the legality of the proposed changes.

Ms. Deschene has proposed a number of justifications for the proposed changes, Kakuk reminded those assembled. First, he said that Deschene has mentioned the difficulty bouncing back and forth between offices. Well don't bounce back and forth, he responded. Set your county office hours to be in the courthouse and set your private office hours to be in your private office, he suggested. If there are emergencies, deal with them as they come up.

Next, Kakuk reminded, Deschene has asserted that her proposal would free up room at the courthouse. He doesn't know for whom, he retorted. He can't think of anything more appropriate than having the County Attorney working out of an office in the courthouse, he continued.

Third, he pointed out, Deschene mentioned the building's non-compliance with the Americans with Disabilities Act (ADA). It is true, he allowed, that the building is not ADA-compliant. However, ADA requires only reasonable accommodation in those situations. Why not, he suggested, meet people with accessibility problems either at the private office or in their home?

And finally, Kakuk reminded, Deschene has asserted that the proposed change would save the county \$19,000 a year. He replied that it might be somewhere near that, but at the most basic level, it takes \$19,000 out of Dayna Shepherd's pocket and puts it in Ms. Deschene's pocket.

Compensation-wise, Kakuk continued, Deschene would be the most highly compensated part-time county attorney, according to phone calls he had made around to other part-time county attorneys. Highly compensated, he clarified, referred to the lease agreement, or what the county pays the county attorney for the use of private facilities and resources.

According to Kakuk, one of his main concerns is others having access to his clients' criminal justice information. He felt that the proposed arrangement would compromise the confidentiality of his criminal clients. He also argued that no public funds can be used to fund a private practice. He also asserted that Deschene has gone on the record two times as saying that \$6000 of what would be Dayna Shepherd's annual wages would be paid instead to her husband. This is not a reduction in force, he argued.

Deschene then took the floor. She retorted that she had checked with MACo and they said the whole proposal was okay. Kakuk interrupted, asking if this was the same MACo who told her it was okay to inform Shepherd minutes before she was losing her job. Or if it was the same MACo who told her it was okay to set a meeting for today to discuss this matter and then unilaterally to change the meeting without any notice. This proposal, he continued, is unfair, it's bad for the public, it's bad for the community, it's bad for taxpayers.

Chair Schlepp then asked if there was any public comment. Becky Hurwitz-Leger raised her hand and she was there to support the commissioners, whatever decision they make. You are being fiscally responsible, she told them.

Deschene then continued, stating that her annual budget would fall from \$102,000 to \$82,000. She then listed a series of counties and how they compensate their part-time county attorneys to illustrate that she is not being compensated any more than the county attorneys in those counties.

Deschene then took up the issue of suitable space, contending that since the County Superintendent has to share office space with the WIC Program, for example, and since the Commission Chambers only has seating for two members of the public, that suitable space is at a premium. The bottom line, she continued, is that this proposal is the right idea. \$1200 in phone expenses and \$600 in supplies is going to be absorbed by her private practice.

Hurwitz interjected. He said that Dayna Shepherd is costing the county approximately \$31,900 annually. That number will be reduced to \$12,000 under Deschene's proposal, he contended. Deschene took up his argument, stating that now her annual budget is \$102,000, \$28,000 of which is covered by the state. If the proposal is accepted, the cost \$28,000 will still be covered by the state and the cost to the county will drop to \$54,000 annually.

Townsend then addressed Kakuk, asking him where he got his figures. Very simple, replied Kakuk. It's cash to cash. \$19,000 is going away and \$12,000 is going into Ms. Deschene's pocket. That's not true, retorted Hurwitz. You have to count everything, he asserted, not just Shepherd's salary. At which point Kakuk told the commissioners not to worry. He is not going to sue the county on the merits of the public policy behind the decision. It is the legal issues he is having problems with. In other words, he continued, the county attorney assistant position is being recharacterized, Dayna Shepherd is being let go, Deschene's husband gets Shepherd's job at less pay. That is illegal, he argued, and told the commissioners to watch out.

Deschene replied that she does not need Shepherd. In her previous job as a public defender in Missoula, she had 140 cases at any given time that she handled by herself. Now is county attorney, she pointed out, she only has seven currently. She just does not need an assistant. And she does not want to pay an assistant for sitting at a desk doing nothing, she argued.

Townsend jumped in and asked Deschene what her recommendation to the Commission is. Deschene answered to approve the moving of her office and to adopt the property/lease agreement. It is well reasoned and lawful, she contended. As for the reduction in force, she told the commission, there is a fine line between the right to privacy and the public's need to know. But, she concluded, the reduction in force part of the meeting should be closed.

Townsend asked if there were any objections. Kakuk replied that there were not. Townsend then asked why the meeting should be closed if they were not discussing performance issues.

Deschene replied that she was going to recommend a confidential settlement offer. Townsend then allowed that it was Kakuk's decision. Jason Phillips from the Meagher County News suggested that since county money was at stake, they had to tread lightly. Schlepp then asserted that this decision would be up to the employee, which meant that it would be Kakuk's decision as her representative. Kakuk replied that he did not want the settlement discussed publicly today. So the decision was made to take that part of the meeting behind closed doors.

Action 8:

RESOLUTION 2011-#20

Townsend moved to approve the relocation and realignment of the County Attorney's office as proposed by the County Attorney. Hurwitz seconded. It was opened to discussion. Townsend then addressed Deschene asking her how comfortable she was with the proposal. If there are problems, he reminded her, she will be the one who has to deal with them. She replied that she is positive this is the correct thing to do—for herself, for the office, for the county. Schlepp then stated that in her opinion, the County Attorney has a legal right to make this move. A vote was held and passed unanimously (3-0). It is therefore resolved.

The meeting was then closed.

At 1:55pm, the meeting was re-opened and re-convened in Commission Chambers. The three commissioners, Deschene, and Phillips were present.

Action 9:

RESOLUTION 2011-#21

Commissioner Townsend moved to put on record the separation agreement and to make it part of the public record. Hurwitz seconded. A vote was held and passed unanimously. It is therefore resolved.*

Action 10:

RESOLUTION 2011-#22

Hurwitz moved that Meagher County adopt the lease agreement and agree to pay Deschene and Swandal PC \$1000 per month for real property, equipment, and support. Townsend seconded. A vote was held and passed unanimously. It is therefore resolved.

Schlepp then confirmed with Deschene that all employees are required to sign a confidentiality agreement.

Deschene then made special note for the minutes that she was very concerned about county equipment being merged with private equipment. She would like permission, she stated, to use county equipment for private use in exchange for the use of Deschene & Swandal PC resources. The commissioners agreed.

Then she asked the commissioners to set her hours at 10-4, Monday through Thursday with an hour off for lunch, for a 20-hour work week.

Action 11:

Townsend moved to set the County Attorney's hours from 10-4, Monday through Thursday, with an hour off for lunch, for a 20-hour work week. Hurwitz seconded. A vote was held and passed unanimously.

Deschene then added that she would be available 24 hours a day for emergency services.

Deschene then mentioned a statute requiring her as county attorney to deliver her accounting to the County Treasurer quarterly and to give a report. She said she could find no record that it had ever been done. Schlepp went to ask Treasurer Sue Phelan to join the meeting. Phelan did show up. She said that the Sheriff's Office and District Court Clerk have their own accounts and just give her their money each month. Deschene responded that she would prefer just to tell her (Phelan) what is in the account and what it's for. She would like to keep in case it belongs to a victim. Phelan said she was going to training next week and would figure out there how to proceed.

* See *Resolution 2011-#24* (April 12, 2011), in which this Resolution (2011-#21) is rescinded.

Deschene then presented the lease for the commissioners to sign, and stated that she would add and addendum. She would also clean out the large room of her office by the end of the week, recommending to the commissioners that they move into it. Hurwitz agreed that that was a good idea.

IT—Telephone System Options:

Jim McDanel, County IT Consultant, met with the Commission to discuss changing the county phone system. He presented the commissioners with quotes for a couple plans. Schlepp suggested they wait till budget time to make a decision. McDanel replied that he remembered Triangle saying they could start in August sometime.

Action 12:

Commissioner Townsend moved to move forward with the new phone system as presented by Jim McDanel. Hurwitz seconded. A vote was held and passed 2-1.

McDanel then raised the issue of the county website, which he is developing. He said it will be a huge commitment and will need to be updated regularly. He can do it, he said, but he asked if it would be okay to hire somebody to help. It will be at least 60-70 pages, he continued, and a day a week would likely be needed to complete updates. Townsend then wondered aloud whether the county really wants this. Schlepp replied that she did not know.

Public Comment:

Errol Galt joined the commissioners during public comment time to tell them about a wind project he has been working on. It would be a six-turbine, 9-9.6 megawatt wind farm just outside Martinsdale. He has signed a power purchase agreement with Northwestern Energy. Class 13 properties, he continued, are subject to a 6% tax. But if the wind farm were reclassified by the Commission, it would be subject to only 1.5% the first five years and 3% years six through ten. There are \$15 million in capital costs and the program should net the county \$87,000 a year for the first five years.

Schlepp asked if he needs a motion from the commissioners. Galt replied that he was unsure but that he has been working with County Attorney Deschene. A public hearing will be needed, he continued, but Deschene will need to work out the process. Hurwitz complimented Galt on the wonderful news. Galt thanked him and said he had been working on this project for six years and that the owners were all from Meagher County.

Minutes:

Minutes for the March 15, 2011 were not addressed.

Claims:

Commission was presented Voucher #1155, which was out of session, CK#42190 through CK#42194, totaling \$612.47. Voucher #1156, also out of session, CK#42195 through CK#42204, totaling \$19,280.85, was also presented. And Voucher #1157 CK#42205 through CK#42263 (check number 42226 was voided as it did not print) totaling \$46,534.88, was also presented. Vouchers were approved and checks signed as presented.

Meeting Adjourned:

Chairperson Schlepp adjourned the meeting at 4:45pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, April 12, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Tuesday
April 12, 2011
8:45am – 4:45pm
Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Hurwitz called the meeting to order at 8:45am.

Commissioners Present:

Vice Chairman Ben Hurwitz and Commissioner Herb Townsend.

County Superintendent—Lenep School Isolation:

County Superintendent, Helen Hanson, met with the Commission to give them an update on the Lenep School. Lenep School is going into isolation status, she told them. There is currently only one student at the school, who will be gone next year. The County has until the end of June to notify of non-operating status. Her recommendation, she said, is for the County to apply for isolation status. Chair Schlepp offered that applying for isolation status is a good thing to do. At the end of three years, she said, all the money that would have gone to Lenep comes into the White Sulphur Springs School District.

Commissioner Townsend asked if the Lenep tax status would be affected greatly. Schlepp responded that it would. Townsend wondered what a comparison of the mils between Lenep and White Sulphur Springs would show.

Action 1:

RESOLUTION 2011-#23

Commissioner Townsend moved to approve isolation status for the Lenep School. Schlepp seconded. A vote was held and passed unanimously (2-0). Schlepp signed the document approving the application for isolation status.

Hanson then addressed the issue of HRDC funding for summer employment for local youths. Stephanie Gray, the HRDC representative to Meagher County, had told Hanson that currently there is no funding at all, pending the end of the legislative session. And best case, it would not be available until July 1. Hanson told the Commission that on behalf of the golf course, she would like to put a bid in for a youth to work there starting June 1. The minimum wage of \$7.35 would be paid, about \$8.25 after social security. The cemetery and city will want to hire youths too, she added. The problem, she added, is that the two-year contract for CSBG funding is up this year. Schlepp asked what happens if the funding is not renewed. The golf course has no money to hire a youth, Hanson replied. Townsend asked what the golf course would require to hire a youth. Hanson replied that at twelve weeks, 30 hours a week, at minimum wage, it would cost \$2970. The county would want two kids though, one for the golf course and one for the cemetery, she concluded.

Jeff Kinnick—Mobile Home Taxes:

Jeff Kinnick met with the Commission to see if he could get the trailer he owns removed from the tax rolls. He has not lived in it since 2002, he said, and it will be going away this summer. Schlepp told him they can't do anything right now but if he gets rid of it, the county can remove it from the tax rolls.

Action 2:

Commissioner Townsend moved that Jeff Kinnick's trailer, once disposed of, will be taxed no longer. Schlepp seconded. A vote was held and passed unanimously (2-0).

Vice Chairman Ben Hurwitz arrived at 9:45am.

Tobacco Prevention Specialist—Update:

Aaron Blair, Meagher County's Tobacco Prevention Specialist, met with the Commission to give them an update on his activities. He said he's halfway through his program so far and less than halfway through his budget. He has 27 kids in a program through the school, and they will have a

display at the Community Expo at the end of the month. He also mentioned two complaints of smoking at the Lane Bar he is in the process of responding to.

He then showed the commissioners a rough draft of a letter he wanted to send out to local establishments regarding the Montana Clean Air Act. He asked if the commissioners would sign it before it goes out. The commissioners agreed that they would not sign it. Hurwitz said he found it threatening. Townsend said Blair's job should be to help people be compliant. And Schlepp said she did not want to sign it at all, that it was not part of the Commission's job. Blair replied that responding to complaints was part of his job. Hurwitz responded that the emphasis should be on prevention and kids. Patrolling bars, he continued, will cause hate and discontent.

Headwaters Recycling—To Continue or Not to Continue County Recycling Program:

Bill Crane, the outgoing general manager, and Susan Bowden, the new general manager for Headwaters Recycling called in to visit with the commissioners by telephone. Townsend asked how the County can justify paying \$6000 for this program. Crane suggested he be allowed to make the following points before the commissioners started questioning him:

1. Headwaters hauls 19.68 tons of recycled material a year from Meagher County, at \$315 a ton. That's high he conceded but he suggested the commissioners compare that to how much it would cost to bury the same amount of waste in a landfill.
2. There are two sites, he pointed out: one in Martinsdale and one in White Sulphur Springs. The one in White Sulphur, he suggested, could likely divert up to twice as much garbage, and therefore lower the cost per ton, if it were moved to a more convenient location.
3. Headwaters is a co-operative, consisting only of its members, of which Meagher County is one. They charge only enough to cover their costs.
4. Most importantly, Crane suggested, the county should consider the feelings of its constituents. Many people feel strongly about recycling and doing the right thing, he added.

Hurwitz pointed out that all the aluminum cans in the area go to Close-Up, so the county is really only paying for paper and glass. Schlepp asked how the county can lower the costs to Headwaters. Crane replied that the cost is what it takes to run the co-op. The only real way to lower the cost, he said, is to increase the tonnage. Hurwitz pointed out that county residents all pay a flat rate for garbage so there is no incentive to recycle. Schlepp asked if the county shares the cost or if it's prorated. Crane replied that it is prorated—all municipalities pay the same fee per capita. He then suggested looking at the hauling rate and tippage fee the county currently pays for garbage. That should help make the decision easier, he said.

Schlepp then asked if the bins were full when they were picked up or could the pickup time be stretched out longer. Crane replied that the pickups are triggered by calls, usually from Harlowton. It is possible, he added, to add more bins and reduce the number of pickups, but the results would not be reflected immediately. Then he informed the commissioners that in order to leave the program, they need to give notice by April 1 before the beginning of the next fiscal year. The commissioners thanked Crane and Bowden and they left the meeting.

Schlepp then suggested that they find out if the landfill folks can do recycling. The commissioners agreed that was a good idea. Townsend then wondered if they need to have a public hearing to get a read on the community feelings towards recycling. Hurwitz suggested they put an ad in the paper that people could clip and return to the courthouse if they favor the program.

Action 3:

Vice Chair Hurwitz moved to put a box ad in the Meagher County News asking county residents to respond to a survey regarding recycling. The ad would include the following information: Meagher County currently recycles approximately 20 tons of newspaper and glass each year at a cost of \$6000 per year. There are two drop off sites in the county, one in Martinsdale and one in White Sulphur Springs near the jail. Schlepp seconded the motion. A vote was held and passed unanimously (3-0).

Fire/DES Update:

County Fire Chief, Rick Seidlitz, met with the Commission to give his monthly update. He told the commissioners that his only priority right now is the Cooperative Agreement with the state, which they need to sign off on within the next couple weeks. Two issues in particular from the agreement stand out. First, he said, DNRC vehicles need to be insured by the county if they will

be used for anything other than forest fires. Secondly, the workers' comp for the firefighters is a significant issue. Every county firefighter has \$100 a year paid into workers comp in their name. There is a bill in the legislature right now, he added, that would allow counties to levy up to one mil to cover workers' comp for firefighters. Until it either passes or fails, it was agreed by the commissioners, to wait and see and then decide how to proceed.

Pam Walling, MACo Health Care Trust—Premium Increases:

Pam Walling, the county's representative from MACo Health Care Trust, met with the commissioners to explain increases in premiums beginning July 1. First, she walked them through a series of spreadsheets outlining claims history from recent years. Last year was a bad year for claims, she showed them. That combined with other factors had led to MACo raising Meagher County's health care premiums by 19.2%. She then showed the Commission the options currently in the plan. She followed up with some potential alternatives.

LEPC Lunch:

The commissioners participated in the LEPC luncheon.

County Board of Health Meeting:

Present for the meeting, including the three commissioners, were: County Health Officer, Brett Williams; County Health Nurse, Kari Jo Kiff; Kiff's assistant, Brooke Weishaar; WSS Mayor, Julian Theriault; County Sanitarian, Deen Pomeroy; and Tobacco Prevention Specialist, Aaron Blair.

Kiff began the meeting by presenting her report. She gave an update on reportable diseases for the quarter, progress of the Rabies Task Force, school vaccinations, visits to Springdale and Martinsdale Colonies, and activities of the Tobacco Prevention Specialist.

Sanitarian, Deen Pomeroy then gave his report to the commissioners. He updated them on three potential House bills that would be relevant to the County. Then he raised the issue of the Red Ants Pants Music Festival and the need for everyone involved to come together and make sure everyone is on the same page. Kiff asked County Health Officer, Brett Williams, who from Mountain View Medical Center would work the festival. He replied that it would be best if both he and the Director of Nursing would work.

Sheriff Report:

Sheriff, Jon Lopp, met with the commissioners to give them his monthly report. With him was Buddy Hanrahan, a local information technology specialist. Lopp first mentioned that the Sheriff Office was getting sued by a resident of Grassy. She had filed a complaint with the Montana Human Rights Bureau arguing that the Sheriff department is not prosecuting one of her neighbors the way she wants them to. The state is completing its investigation, he said, and will have a finding at the end of the week. He concluded by saying that the MACo attorney said they could not be sued as it was the County Attorney who decided not to press charges and County Attorneys cannot be sued.

He also mentioned that Undersheriff Rodger Shroyer would no longer be with the department as of April 26, so Dave Wendt would assume Shroyer's role.

Hanrahan then updated the commissioners on the possibility of switching the Sheriff Office over to Triangle Communications. He said it could be done, outlined the costs involved, and said that the new connection could be set up anywhere the commissioners pleased. Existing connections could be used, he continued, to back up different buildings.

Schlepp then mentioned to Lopp that the commissioners had spoken earlier in the day with Fire Chief, Rick Seidlitz, regarding workers' comp coverage. Is there a running list of search and rescue volunteers, she asked. Lopp replied he would get that to Clerk & Recorder Ogle.

Personnel Relations:

Attorney Michael Kakuk and Justice of the Peace, Jerry Churchill, met with the commissioners to discuss an ongoing employee relation issue between Churchill and Building Supervisor, J.R. Shinabarger. Shinabarger had chosen not to be present. Kakuk distributed to the commissioners a

list of four recommendations that he had come up with after consulting Churchill and Shinabarger at length. He said they had both agreed that these would be helpful in the future to eliminate conflict. The recommendations include the following: 1) developing a clear job description for Shinabarger's position; 2) instituting a policy requiring all maintenance requests to be submitted in writing; 3) amending the grievance policy to ensure all grievances are heard by the appropriate party (this might include, Kakuk added, appointing a current employee as Human Resources Director); and 4) amending the county employee discipline policy to ensure compliance with employee discipline best practices.

Commissioner Townsend pointed out to Kakuk that the County already has a grievance policy in place. The commissioners are the human resources people, he added. Kakuk agreed but asserted there is a flaw in the policy. What happens, he asked, if the person making the grievance has an issue with the commissioners? The county needs a safety valve, he argued.

Commissioner Hurwitz pointed out that the county has no job description for Shinabarger. Kakuk replied that there is one but it has never been considered or approved. Let's make it clear, he recommended. Hurwitz asked what happens if they do have a job description and Shinabarger disagrees. You would now have a safety valve, Kakuk replied. Kakuk added that by providing more guidance to tighten up the disciplinary process, they would be taking an extra step to prevent legal action by an employee.

Schlepp concluded the meeting by stating that the commissioners cannot change any policy without it being on the meeting agenda. The commissioners thanked Kakuk for his assistance in the matter.

Retraction of Previous Resolution:

Action 4:

RESOLUTION 2011-#24

Chair Schlepp moved to retract Resolution 2011-21, which makes the separation agreement offered by County Attorney Deschene to the County Attorney Assistant a matter of public record. It is a private issue that took place in a closed session. Hurwitz seconded. A vote was held and passed unanimously (3-0).

The commissioners did decide to make public record that a separation agreement was offered to the County Attorney Assistant but it was rejected.

Minutes:

Action 5:

Commissioner Townsend moved to approve the minutes from the March 15 meeting with changes. Hurwitz seconded. A vote was held and passed unanimously (3-0).

Public Comment:

Marcy Rethwisch and Marcie Harris met with the commissioners to register complaints regarding the Sheriff's Office and the Mountain View Medical Center. Also present was County Attorney, Kimberly Deschene. After Rethwisch and Harris shared their stories with the commissioners, Deschene told them that if they chose to register a formal complaint against the Sheriff Department, they would need to do so in writing. Send it to the Sheriff and copy it to the commissioners, and to the County Attorney, she added. As for the issues with the hospital, she would have to deal with them directly.

Then Rethwisch asked what's happening with the Hospital District Board. Clerk and Recorder, Ogle, who dropped in, told her that since there were two people running for three positions, an election was unnecessary. She would take office as soon as the current District Board left office.

After Rethwisch and Harris left, Road Department Supervisor, Ray Ringer, dropped by with Wayne Shong. Shong explained to the commissioners how he has been tasked with cleaning up the property of the late Bill McDonald. There are many vehicles and other heavy objects in the front yard that need to be removed, he continued, but the bridge crossing the creek to the property is in severe disrepair and he will not attempt to move the items across. Ringer said there was no quick fix to the problem.

Chair Schlepp left the meeting at 4:35 pm.

Vice Chair Hurwitz asked if the bridge is abandoned or not. If it is, he continued, it is not the county's problem. Townsend then asked Shong what his timeframe was. He replied that he needs to get it out of there. Townsend said the ownership of the bridge needs to be researched before anything else can be done. Hurwitz asked if there is any way to clean up the property without a new bridge. Shong was not sure.

The commissioners decided to research the ownership of the bridge before deciding whether to proceed any further. Hurwitz told Shong that this will have to be dealt with but it can't happen soon.

Claims:

Commission was presented Voucher #1158, CK#42264-42301, totaling \$12,353.85. Checks 42278 through 42289 were voided as they did not print. Also signed, from March 2011, were Payroll Voucher #10, CK#217884-217895, totaling \$8212.76; Payroll Deduction Voucher #1154, CK#42183-42189, totaling \$80,856.09; and Health Insurance Voucher#1156, CK#42195-42204, totaling \$19,280.85, all presented in March. From February 2011, when they were presented, the following vouchers were signed: Payroll Voucher#8, CK#217870-217882, totaling 8331.02; Payroll Voucher#9, CK#217883, totaling \$216.85; Payroll Deduction Voucher#42038-42045, totaling \$88,064.84; and Health Insurance Voucher#1150, CK#42051-42059, totaling \$17,173.39. From January 2011, when the presented, the following vouchers were signed: Payroll Voucher#7, CK#217858-217869, totaling \$9126.38; Payroll Deduction Voucher#1140, CK#41907-41914, totaling \$93,601.90; and Health Insurance Voucher#1141, CK#41915-41923, totaling \$17,179.41. From December 2010, when they were signed, the following vouchers were presented: Payroll Voucher#6, CK#217845-217857, totaling \$8137.72; Payroll Deduction Voucher#1134, CK#41778-41785, totaling \$82,390.46; and Health Insurance Voucher#1135, CK#41786-41795, totaling \$16,810.84. From November, when they were presented, the following vouchers were signed: Payroll Voucher#5, CK#217821-217844, totaling \$11,078.13; Payroll Deduction Voucher#1127, CK#41669-41676, totaling \$91,603.49; and Health Insurance Voucher#1128, CK#41677-41686, totaling \$16,810.84. Vouchers were approved and checks signed as presented.

Meeting Adjourned:

Vice Chair Hurwitz adjourned the meeting at 4:55pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, April 19, 2011.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed April 19, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
April 19, 2011
9:00am – 4:45pm
Met in Commissioner's Chambers

Meeting Called to Order:

Vice Chair Hurwitz called the meeting to order at 9:00am.

Commissioners Present:

Vice Chairman Ben Hurwitz and Commissioner Herb Townsend.

Chairperson Schlepp arrived at 9:30am.

Lacey Rasmussen, Conservation District:

Lacey Rasmussen of the Conservation District met with the Commission to have them sign off on paperwork to receive an administrative grant. Chair Schlepp signed the document, which shows that the County has already levied the maximum amount and needs the funding from the grant.

Outstanding Issues:

The Commission then discussed some ongoing issues: overtime at the Sheriff's office, the recycling program, a potential move of the Commission chambers to the former office of the County Attorney, and an employee relations issue. It was decided to place these issues on a future agenda so that they can be acted upon.

Action 1:

Chair Schlepp moved to reappoint Ed Roatch, Bill Galt, and Wayne Mathis to the Airport Board. Vice Chair Hurwitz seconded. A vote was held and passed unanimously (3-0).

Heather Grenier and Jeff Rupp, HRDC—CSBG Grants:

Jeff Rupp, CEO, and Heather Grenier, Special Projects Officer, met with the Commission to discuss CSBG grants. Grenier presented the commissioners with an application for CSBG grants, which they duly signed. Rupp then told the commissioners that the grant money belongs to the County and can be spent as the County sees fit. All he asks, he said, is that the County write a letter to HRDC outlining how it will be spent.

Schlepp then asked how much grant money is involved. Rupp replied that this is one of the programs that was "thrown under the bus" during the recent wave of budget cutting and was not even sure if there would be money available for next year. Schlepp then confirmed that the money for this year is available through June 30. Grenier then continued that the annual amount of grant money for Meagher County has been \$6000. Last year there was extra money available so the Health Department got some of the funds too. Next year, however, if there is money available, the amount will be back to \$6000.

Public Comment:

County Attorney, Kimberly Deschene, met with the commissioners to update them on some issues regarding Mountain View Medical Center and the County Hospital District Board. She said that after doing extensive research, she is convinced that the hospital is subject to open meeting laws. However, she continued, since there are no damages or victims, there is really no remedy short of litigation. Schlepp and Hurwitz agreed that they did not favor that option.

Schlepp then said she just wants to get out of being involved in this issue all together. Hurwitz said all he ever wanted, right from the start, was for the County residents to be better educated regarding the use of County funds if another mill levy was requested. Commissioner Townsend shared his frustration with the closed finance meetings at the hospital, but then said what is most important is that the citizens have a place to go when they are ill. Schlepp then shared her feelings that this matter has become way too personal and if they could get rid of emotions, they would see that things are running quite smoothly at the hospital.

In the end, Deschene recommended that the commissioners and herself, as County Attorney, remove themselves from the emotional side things. She then stated that she would not write any letters she has been asked to write by the District Board or other parties.

Hurwitz left the meeting at 3:25pm.

Next, Bill Dodson, President of the Golf Association, met with the commissioners to address an issue that has been present since Helen Hanson was president. Vince Forsman, a resident next to the golf course, wants poles put up on the range to protect his property. Dodson asserted that this is a matter of eminent domain and it's not the golf course's responsibility to put up poles. In reality, he continued, Forsman should put up poles on his own property. The golf course has turned the driving range mats away from the homes along the course and has also posted signs at

the range stating that the golfers themselves are responsible for damage to surrounding properties, he stated. They have already done what they can to curb the problem. The next golf course board meeting, he said, is on the 9th of May. He is on the agenda for the next Commission meeting on the 3rd of May. He asked the commissioners to decide at the next meeting whether the County would put up poles at the course or not so he could tell Forsman at the meeting on the 9th.

Next, John Dracon, Chair of the Hospital District Board, met with the commissioners to share the Board's progress and also their frustration trying to gain access to certain meetings of the Hospital Board. Commissioner Townsend told him if they are having concerns or problems, to note them in the report. Dracon said the report would be forthright but nothing earth shattering. Schlepp asked him what role he saw the District Board having in the future. He replied that as long as county money is involved, the District Board will have a role.

Next, IT Consultant Jim McDanel met with the commissioners to discuss three issues: getting the county website up and active, installing the fence at the County Shop, and Buddy Hanrahan's proposal to use cloud storage to back up County data. He also mentioned that he spoke with a person at Triangle regarding having them lay a line between the Sheriff's Office and Courthouse just for the County to use. Apparently, he continued, it's no problem.

Minutes:

Action 2:

Commissioner Townsend moved to approve the minutes from the April 5 meeting without change and the April 12 meeting with change. Schlepp seconded. A vote was held and passed unanimously (2-0).

Claims:

Commission was presented Voucher #1159, CK#42302-42317, totaling \$8094.81. Vouchers were approved and checks signed as presented.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 4:25pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 3, 2011.

CLERK & RECORDER

SEAL

CHAIRMAN

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed May 3, 2011 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle