

**PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS**  
**MEAGHER COUNTY, MONTANA**

**Tuesday**

May 9, 2017

8:30 a.m. – 2:10 p.m.

Met in Commissioner's Chambers

**Meeting Called to Order:**

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

**Commissioners Present:**

Chair Rod Brewer and Vice Chair Ben Hurwitz, and Commissioner Herb Townsend were present for the meeting.

**Minutes:**

**Action #1:**

Chair Brewer moved to approve the minutes from the May 2, 2017 meeting. Commissioner Townsend seconded the motion. Minutes were approved.

**Treasurer's Report:**

Sue Phelan, Treasurer, came in with paperwork for the Commissioners to sign for the monthly Cash Reconciliation report.

*Ray Saeman entered the meeting at 9:02 a.m.*

The Commissioners discussed the new funds set up by the Treasurer's office regarding the Ambulance and Sheriff's office and asked questions regarding the Library and Justice of the Peace funds.

**IT Department:**

*Jim McDanel stopped by to ask the Commissioners who should be included on email accounts, – anyone on Meagher County or let them tell us whether they want one or not. The Departments currently not on the county email are Road Department, Fire Department, Health Nurse, County*

*Attorney, and Weed Department. The email discussion went to liability issues for private email mixed with County business, including with the Commissioners.*

*The email addresses are currently being worked on now and will put in for testing in the next day or two. Email will have a retention of 5 years with the new system and they are currently working on a policy for email accounts as well.*

*It was decided that a letter or memo should go out to Department Heads on the new email accounts being set up.*

*The Commissioners also discussed with McDanel using tablets, as Commissioner Townsend does to receive their County email. McDanel will order one for both Hurwitz and Brewer.*

**County Attorney Kimberly Deschene & Sheriff Jon Lopp:**

Sheriff Jon Lopp presented his Complaint Report for the month of April, 2016 for review and discussion. He told the Commissioners that County Attorney Deschene had texted him and said she was on the phone with MACo and would be late.

They began discussing the policy on the body cam and the issues that Deschene has brought up. One of the issues was on retention, and he pointed out that the retention that was in the policy he drafted states that the Sheriff's office will comply with the State of Montana's laws regarding retention policies. When asked why that wasn't specified on the document, he stated that it was too lengthy because of the breakdowns of circumstances.

He stated that most of the language from the ACLU document that Deschene had provided previously was in the document he was presenting, just worded differently.

Lopp also told the Commissioners that there were two additions he will be making to the policy concerning the use of body cams. They are on the non-use of body cams at a school or hospital unless there is a threat.

On the issue of telling individuals they were being recorded, he did not want to be in a position to have to reprimand his deputies if they forgot, when their main focus in any situation is the circumstances happening and any threat to other individuals or the deputy.

The Commissioners were curious as to the light coming on when recorded, so Lopp showed them the camera and how the red light comes on. The in-car camera is activated when the lights come on in the vehicle, as does the body camera.

*County Attorney Deschene entered the meeting.*

The discussion went back to the policies written by Sheriff Lopp, and the comments that County Attorney Deschene had on them.

The policy on Social Media was agreed to as written, and no changes were needed.

**Action #2:**

Commissioner Brewer moved to pass the Social Media policy as written by Sheriff Jon Lopp for the Sheriff's Office and copied to the Clerk & Recorder's Office. Commissioner Hurwitz seconded. A vote was taken and approved unanimously.

The next policy discussed was on Body Cams. Lopp brought Deschene up to speed on what they had discussed before she entered the meeting regarding the non-use of body cams in school and at the hospital unless there was a threat. They also discussed that Lopp felt the language between his policies and that in the ACLU language were similar so not much change would be needed.

Deschene did not agree and she doesn't believe body cams should be used to record non-official communications. That the word "generally" should be removed from 24.2.4 RESTRICTIONS ON USING THE BWC. Lopp agreed that the word "generally" could be removed.

The other issue that Deschene had was under the retention section. She did not like the wording "according to Montana Law" and feels that it needs to be re-written to incorporate ACLU retention language. The Commissioners asked her about the "flagging" she kept mentioning and she stated it was for any use of force, or complaints against a Deputy that could be made, they should be preserved for future use in court. Lopp stated that they handle the recordings like a regular arrest record, and there are pages of retention laws for different circumstances. Commissioner Hurwitz asked Deschene how she would word it differently, and she quoted a section from the ACLU paperwork. Hurwitz told her to write what she would like it to say and bring back to the next meeting for review and discussion.

Deschene also wants videos to be more accessible without needing a court order. Discussion on viewing the recordings was agreed on, but not giving copies of the recording without a court order. She also mentioned adding the language of disciplinary action and Lopp advised that that language is covered in the beginning of their Policy Book and not needed on the individual policies.

The next item discussed was on the ACLU recommendation that if someone asks you to stop recording, then you have to stop and respect their right to privacy. In particular, domestic violence cases. After lengthy discussion and examples provided, it was agreed between the

Commissioners and Sheriff Lopp that cameras do not have to be stopped at the request of individuals and especially in domestic violence cases where the body cams tend to be most needed. It provides invaluable information in cases.

*Ray Saeman left the meeting.*

Lopp advised that there would be a woman coming to give a talk on domestic violence this month. He will discuss this topic with her for insight on how this works in another county. Commissioner Townsend and Commissioner Hurwitz agreed that they felt they would want this type of incident recorded for the protection of all involved.

The discussion went back to whether it should be required for the deputies to let people know they are being recorded. It was decided to table this policy for more discussion at the next Commission meeting. An hour has been set aside to continue with this policy and on Electronic Control Devices.

County Attorney Deschene was asked about the status of the Law Enforcement Agreement. The conversation she had with Brian Hopkins was more focused on city's issues. Deschene was asked if she had found out what happens if we don't have a Law Enforcement Agreement and if we need another vote to keep combined or separate. She will look into it for the next meeting.

### **Health Nurse Report – Eva Kerr, R.N.**

Eva Kerr came in and provided the Commissioners with her monthly report for review and discussion. She went over the IAP & Bair – Immunizations, the CSBG, MCH County, PHEP or BIO and the Homemaker program.

She also told the Commissioners she will be gone May 16<sup>th</sup> for the yearly PHEP meeting in Billings. Kerr also stated she will be closed May 25 – 30 because she will be out of state.

There was also discussion regarding the completion of the CPR instructor training last week. The Sheriff's office is going to pay the expense for Laura Taylor, and she asked if the County would pay her expense through her health fund. The Commissioners all agreed if she had money in her budget, it would be worthwhile for the County to pay that expense for the Community.

The Commissioners also asked her about the Reach program and how that was working out. The air lifts were discussed and it was agreed that when it comes up for renewal it would be worth it to renew again for the Community. There was also discussion regarding Ambulance trips and if they were still sending nurses. They agreed that they will try to schedule Rob Brandt in next meeting to discuss.

### **Senior Center – Beth Hunt:**

Beth Hunt, Director of the Senior Center was in to discuss what was happening at the Center. She provided the Profit & Loss and Budget information for the Commissioners review and discussed the fact that the Senior Center was open 320 days last year and served 9,237 meals, 1,700 of those meals being Meals on Wheels provided. The Senior Center is proud of the fact they are still able to continue to charge \$4.00 per meal.

Projects they have been working on has been the painted tiles that will be placed in the beams of the Senior Center. They currently have 132 tiles.

She discussed the home town community presentations and has had 5 presentations – including abuse prevention, scam prevention, the Gordon Pump Station and the Wind Mills of Gordon Butte. They like to start them in the fall and go through the winter. She also advised that she was no longer doing the Expo Health Fair so trying to bringing in the presentations of booths that would normally be at the Expo. This year there was a Preventive Screening Blood Draw at the Senior Center that took the place of the Expo.

Hunt also mentioned that the Commissioners should check out the Senior Center Facebook page. She said there were a lot of old pictures – from 1971 on forward. She mentioned they celebrated Helen Taskila's 103<sup>rd</sup> birthday and will be celebrating Priscilla Niewhoener's 100<sup>th</sup> birthday in August.

There was also discussion regarding the Barn Quilts that is happening in Meagher County. Jennifer Frazer had previously came in and introduced herself. They are hoping to get a Barn Quilt Trail in Meagher County.

After all the discussion of what they have done for the year and what their plans are for the upcoming year, the request was made for the annual donation that the County provides every fall. That contribution usually happens in August when the new fiscal year budget has been approved.

### **Fire/DES Report – Rick Seidlitz:**

Fire Chief, Rick Seidlitz came in for his meeting to which he introduced his sister, Becky, to the Commissioners.

Seidlitz presented his monthly report to the Commissioners for their review and discussed the month he has had. He also advised the Commission that he will be out of the office next week.

Seidlitz also advised he had received the \$7,500.00 VFA grant. This grant is a wildland fire grant so has limitations on how it can be used. They receive this grant every year and usually replace supplies, including handheld radios.

He reported that they have completed three spring burns and put on an Engine Boss Fire Training earlier in the month and trained 9 volunteers. They also put on a spring refresher and pack test and attended the spring fire cooperators meeting held on the 4<sup>th</sup>.

The Grassy Mountain Mutual Aid agreement needs to be reviewed by the County Attorney and see where that stands.

**Auto-Mark Public Test – Dayna Ogle:**

The Commissioners were unable to do the Auto-Mark Public Test as the machine was broken.

**Tintina:**

*Alisha Wilson came in with Blair of Tintina's Media at the request of Nancy Schlepp. They are taking pictures with and of supporters of Tintana.*

**LUNCH:**

**Public Hearing – Title III Intent to Spend – Comment Period – Dayna Ogle:**

Dayna Ogle, Clerk & Recorder, came in for the comment period. No one else was in attendance. Title III funds are committed to the Fire Wise Program.

**Public Hearing – Budget Amendments – Dayna Ogle:**

Dayna ogle presented the Budget Amendments for signature and discussion. These are amendments have been discussed previously.

***(Budget Amendments can be reviewed at the Clerk & Recorder's Office.)***

Meagher County has an agreement with the Center for Mental Health services and is required to pay \$1.00 per capita for mental health in the amount of \$1,830.00. The County was billed for FY 17 and FY 18 and paid both. The County will not have any expense for Mental Health in FY 17-18. The Commissioners agree to transfer those funds from the Entitlement Fund (7950) for this expense.

**Action #12:**

**RESOLUTION 2017 - #39**

Commissioner Brewer moved to transfer the funds for the expense of the Center for Mental Health services from the Entitlement Fund 7950 into the Mental Health Fund 2271 in the amount of \$1,830.00. Commissioner Townsend seconded. A vote was taken and passed unanimously. It is therefore resolved.

A budget amendment will follow.

**Martinsdale Water & Sewer District – Special Election:**

An election was to be held for the board members on the Martinsdale Water & Sewer District in the same time frame as the school. Because it was missed, County Attorney Deschene had given the Election Administrator the advice to notice the election and run it at the same time as the Municipal Election.

**Action #14:**

**RESOLUTION 2017 - #41**

Commissioner Hurwitz moved to hold the Martinsdale Water & Sewer District Special Election at the same time as the Municipal Election. Commissioner Brewer seconded. A vote was taken and approved unanimously. It is therefore resolved.

**County/City Clean Up Day – May 20<sup>th</sup>:**

Penny Plachy, Deputy Clerk & Recorder, discussed the County/City Clean Up Day which will be held on May 20<sup>th</sup>. This is an annual event with the City and the County scheduled in May. This year is the County's responsibility to put together. An ad will be placed in the newspaper and coupons made to be picked up by the public. In the past, those employees that sign up and work ½ day at the Clean Up Day were given a full day off as compensation, which the Commissioners agreed to do again this year.

**Action #15:**

**RESOLUTION 2017 - #42**

Commissioner Townsend moved to give employees who work ½ day at the County / City Clean Up day on May 20<sup>th</sup>, a full day off as compensation. Commissioner Hurwitz seconded. A vote was taken and approved unanimously. It is therefore resolved.

**Mayor Julian Theriault – Airport AWOS Loan Resolution:**

Julian Theriault stopped by early to discuss the Airport AWOS Loan Resolution. The City had signed on the grant paperwork, but the loan resolution had not been signed and returned to the Clerk & Recorder's office. There was discussion regarding the loan resolution so Mayor Theriault could get clarification on what was needed from the City.

**Public Comment:**

No public comment.

**Claims Approved:**

Commissioners were presented with check #52905 through check # 52632 totaling \$10,731.23. All checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 2:10 p.m.

**Tuesday**  
May 16<sup>th</sup>, 2017  
8:00 a.m. – 3:15 p.m.  
Met in Commissioner's Chambers

**Meeting Called to Order:**

Chair Brewer called the meeting to order at 8:00 a.m.

**Commissioners Present:**

Chair Rod Brewer, Vice Chair Ben Hurwitz, and Commissioner Townsend were present for the meeting.

**Minutes:**

**ACTION #1**

Commissioner Townsend moved to approve the minutes from the May 9<sup>th</sup>, 2017 meeting with corrections. Chair Brewer seconded the motion. A vote was taken and minutes were approved.

**Audit Review – Dayna Ogle:**



Clerk and Recorder Dayna Ogle entered the chambers at 8:30 a.m. to discuss the Audit Findings from the Auditor Sharon Tripp. Treasurer Sue Phelan and Deputy Treasurer Shauna Porter were present.

Discussion took place about the seven specific audit report findings in the 2015-2016 Fiscal Year report prepared by the Auditor Sharon Tripp. Ogle explained to the Commissioners that this was a decrease in findings from the previous year's Audit report. She explained each individual finding and the solution to fix the error. A larger discussion took place about the Annual Financial Report (AFR). Commissioners inquired if contracting the preparation of the AFR would help Ogle. Ogle discussed with the Commissioners that she would like to learn how to properly prepare the AFR in order to better understand the perspective of the Auditor when they discuss the AFR.

### **IT Update – Jim McDanel:**

IT Supervisor Jim McDanel entered the chambers at 8:50 a.m. Deputy Treasurer Shauna Porter remained in the commission chambers.

McDanel started off his update that the iPads for the commissioners have been received and would be ready once proper software was loaded for the county business. He also stated that switch from the state email server to the private email server would be ready before the first of June. As a precaution McDanel stated to the Commissioners that the county needs to remain on the state server for at minimum one month after the change to ensure everyone receives all emails during the changeover. Commissioners and McDanel discussed that the new email addresses would be for county business and any county employee would be required to use the new address provided for any correspondence pertaining to county business.

McDanel informed the Commission that the text to 911 service would be fully installed once the new router was placed over in the dispatch area. McDanel and the Commissioners discussed the reasons for a new server and why replacement of the old server was necessary at this time.

McDanel and the Commissioners discussed the future of the IT Department for the county. Main discussion points regarding budget for IT and how McDanel and the departments would interact with each other.

### **Policy Review – Kimberly Deschene & Sheriff Jon Lopp:**

Sheriff Jon Lopp was unable to attend the policy review. The policies up for review were tabled for discussion until another time.

Clerk and Recorder Dayna Ogle entered the chambers at 9:30 a.m.

County Attorney Kimberly Deschene presented the Commissioners with a newly drafted Law Enforcement Agreement. She made the according corrections to the Agreement based on Maco Legal Counsel Brian Hopkin's recommendations. Commissioners, Deschene, and Ogle discussed the latest draft of the Law Enforcement Agreement and found a few more small changes that needed to be made. Concerns arose about what implications, if any, would occur if a Law Enforcement Agreement could not be agreed upon. Deschene called Brain Hopkins into the meeting via cell phone to confirm a proper answer for the situation at hand. To Hopkin's understanding, if an agreement was not agreed upon it would leave both the County and City out for litigation. Commissioners asked for a revised copy brought to them later in the meeting for signatures.

Ogle and Deschene presented information to the Commissioners about the Grassy Mountain Fire District using a private attorney and wanting the bill paid from their account. Deschene said that to her knowledge as a county board the Grassy Mountain Fire District must use the County Attorney as council in legal matters. Also that all the board members must agree upon seeking the outside council. Commissioners asked Deschene if she was looking further into the situation on whether they could receive outside council. She reported she was looking into the rules in which the county boards must abide by.

#### **Recycling Update – Mayor Julian Theriault:**

Mayor Julian Theriault, George Kirkwood, Betsy Hammon, and Penny Plachy entered the chambers at 10:30 a.m.

Chair Brewer brought up discussion regarding the damage which occurred to the fence surrounding the recycling bins and who was to pay for repairs. Mayor Theriault and the Commissioners discussed the matter of who was responsible for the repair costs and who would be used to repair the damaged fence. Discussion then led to the amount of usage of the recycling area and the cost for the collection of the commodities.

#### **Emergency Services – Rob Brandt & Ambulance Board:**

Rob Brandt CEO of Mountainview Medical Center, Sara Driemeyer, Bill Galt, Jack Berg, Denise Lopp, Jennifer Stidham, Dayna Ogle, and Adam Stenseth entered the chambers at 11:00 a.m.

Brandt started off the discussion with explaining the ramifications Senate Bill 44 has on the REACH- Air Med Care program. He stated that the bill will change how the company is supposed be used more like an insurance policy then a membership basis. A major impact we would see here in Meagher County from the Senate Bill 44 would be one less available helicopter to preform transfer. Brandt was unsure how the REACH- Air Med Care was directly handling the changes for those who currently had memberships with the company. He urged the

Commissioners to check the membership which they purchased last year and get in contact with REACH- Air Med Care.

*Sheriff Jon Lopp entered the commission chambers at 11:20 a.m.*

Discussion then turned to the Ambulance Department about the staffing of nurses for an ambulance transfer. Brandt explained to the Commissioners about the nurse shortage in the County and Montana as a whole. Also, our facility does not have a high enough volume of emergency calls to hire a designated advanced life support nurse for specific ambulance transfers. Brandt then expressed that a patient's method of transport chosen is based on many different factors. In our facility specifically, the factors come down to the amount of medical intervention needed for the injury during transport, weather conditions, fuel supplies, and the provider that responds the fastest to accept the patient. Brandt then explained when an ambulance transfer is needed our volunteer team usually will meet up with an ambulance from the receiving hospital and exchange the patient. Everything is done for the best interest and care of the patient. Volunteer Ambulance personnel and Ambulance board members also made comments to the Commissioners about how our ambulance system has been operating with the low volume of calls.

Ogle brought up the Meagher County Search and Rescue for discussion. Brandt, Lopp, Ogle, and the Commissioners discussed that the Meagher County Search & Rescue has two sides to the program. The first side is considered to be a county side where the Meagher County Search and Rescue utilizes the grant funding for equipment purchases. The other side of Meagher County Search and Rescue relies on fundraising, reimbursements, and donations for operating.

### **School Interest Resolution – Sue Phelan:**

Treasurer Sue Phelan entered the chambers at 11:30 a.m.

Phelan presented the Commissioners with the resolution for moving \$5,200.39 of interest earned from the County General Fund into the County School Fund.

### **ACTION #2**

#### **Resolution 2017-41**

Chair Brewer made a motion to move the \$5,200.39 from the County General Fund to the County School fund. Commissioner Hurwitz seconded the motion. A vote was taken and passed unanimously. The issue is hereby resolved.



Meagher County, Montana  
WHITE SULPHUR SPRINGS

OFFICE OF  
BOARD OF  
COUNTY COMMISSIONERS

May 16, 2017

Sue Phelan  
Meagher County Treasurer  
White Sulphur Springs, Mt 59645

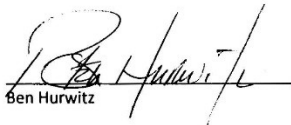
Dear Sue:

IT IS HEREBY RESOLVED WITH RESOLUTION NUMBER 2017-41 THAT \$5,200.39 (Five thousand Two hundred and 39/100 shall be transferred from the County General Fund, interest earned, into the County School Fund. The amount is 22% of the total interest earned, less 3% for the Treasurers' management, on all monies invested by the County from May 1, 2016 to April 30, 2017.

Meagher County Commissioners

  
Rod Brewer-Chairman

  
Herb Townsend

  
Ben Hurwitz

*Kimberly Deschene entered the Commission Chambers at 1:15 p.m. to present the Commissioners with the fixed draft of the Law Enforcement Agreement. Commissioners found a few more small corrections and asked for the document to be brought back before the end of the meeting for signature.*

**Health Insurance Renewal – Southwest Financial – Julie Blockey:**

Julie Blockey entered the commission chambers at 1:20 p.m. Dayna Ogle, Penny Plachy, Sue Phelan, and Shauna Porter entered the chambers at 1:30 p.m.

Blockey started off her presentation regarding the insurance rates by distributing packets of information to the Commissioners and the ladies present. She explained the premium increases and coverage changes that took place within the health, dental, and vision plans. During her explanation Blockey stated that a new policies will need to be chosen to replace the policies that

are no longer available. Ogle and Plachy brought up questions about how the recommended policy coverages compare to the existing policies that will no longer be available during the open enrollment. Blockey explained the coverage changes in the policies that would be available for the county employees. As discussion ended, Blockey agreed to create folders with the updated insurance policies for each county employee and return on May 26<sup>th</sup> to present the changes in the policies. Commissioners then discussed the option of raising the county contribution towards insurance for employees.

**New Funds- DNRC Grants- Dayna Ogle:**

Clerk and Recorder Dayna Ogle presented the Commissioners with information that funds for the DNRC Grants received by the Road Department and Forestry Assistance were discussed, however a formal resolution to create the new funds is needed to be done.

**ACTION #4**

**Resolution 2017-42**

Commissioner Hurwitz made a motion to create Fund 2865 DNRC- Forestry Assistance Grant. Chair Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

**ACTION #5**

**Resolution 2017-43**

Commissioner Hurwitz made a motion to create Fund 2866 DNRC- Road Yard Maintenance Grant. Chair Brewer seconded the motion. A vote was taken and passed. The issue is hereby resolved.

**Budget Amendments- Public Hearing:**

Ogle presented the Commissioners with the first public hearing on amending the budget for the DNRC Grants, Ambulance, and Cottonwood WMA.

**Public Comment:**

Rob Brandt and Sheriff Jon Lopp entered at 2:35 p.m. the chambers to discuss the DUI Taskforce Plan for June 2017 through June 30, 2018.

Brandt and Lopp discussed with the Commissioners the main goals of the DUI Taskforce and the budget plans going forward. Lopp and Brandt explained that the majority focus of the DUI Taskforce is education for the youth. Brandt explained to the Commissioners that the DUI Taskforce is hoping to raise funds through grants and fundraising each year. He also informed the Commissioners that the DUI Taskforce has received a Bair Grant to aid in funding towards the youth education.

Sheriff Jon Lopp presented, on the behalf of Sara Driemeyer, a request to purchase tables and chairs, for the ambulance barn with the intent to rent the building for private events. Lopp and Commissioners discussed the implications of insurance needed for hosting private events and the potential for purchasing the supplies.

*County Attorney Kimberly Deschene entered the chambers and presented the revised draft of the Law Enforcement Agreement to the Commissioners for signature. Commissioners reviewed the revised draft and agreed to sign the Law Enforcement Agreement. The signed copy is to be sent to the City for review.*

**Claims Approved:**

Commissioners were presented with check number 52934 through check number 52958 totaling \$30,790.11. Check number 52957 was presented as a void check due to printer error. All checks were signed as presented.

**Meeting Adjourned:**

Meeting was adjourned at 3:15 p.m.