

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

January 3, 10, 17, 2012

Tuesday

January 3, 2012

9:00am-11:45am

Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Nancy Schlepp, Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

Ray Ringer and Bruce Smith—Road Report:

Road Department Supervisor, Ray Ringer, and Road Department Foreman, Bruce Smith, met with the commissioners to give the monthly road report. They briefly discussed the recently purchased Freightliner. Vice Chair Hurwitz asked Ringer if Rod Bergan had begun work on replacing the Shop roof. Ringer replied that Bergan was waiting for the tin but he should be able to start in the next two weeks. Ringer then told the commissioners he had okayed Menard to fence Camp Baker. He had bid \$1700. He added that with the down time from not having to plow snow, they were able to do an in-frame overhaul on the red truck. Hurwitz commended him for doing the work in house. Ringer told him it was Tim (Collins) who did the work. Chair Schlepp wondered if they could give Collins some kind of bonus.

Hurwitz added that they would do the hiring in house county wide. Schlepp confirmed that, saying the job only had to be posted. Hurwitz suggested it would be good to have a new man on the job by March 1 so that he would have a full month to train with Ringer. Townsend then suggested advertising to fill the position a month later when Ringer is gone.

Gravel crushing was briefly discussed. Hurwitz then mentioned that he would still like to get help from FWP for maintaining the road on Gaddis Hill. He said he has been to the top four guys at FWP and they all "sing the same song," that helping Meagher County would set a precedent and they don't want to do that.

Jon Lopp—Sheriff Report:

Jon Lopp met with the commissioners to share his monthly report. First he gave them a sheet with totals of sheriff activity for the year 2011. Then he gave them his December 2011 report. He noted that activity increased in every category over the course of 2011.

Hurwitz asked him about overtime for December, pointing out that he had even scheduled his deputies for overtime. Lopp replied that he had had guys at training for three of the weeks in December, and one week two of his deputies were at training. When there is training, he continued, there will be overtime. He pointed out, however, that there was no training scheduled for January or February.

Schlepp asked Lopp how the ticket free jamboree went. She pointed out that it was a party for the kids with funds raised from the Demolition Derby. She commended the Sheriff Department for doing that. Lopp said it went well. Most seniors and juniors were there, and they were able to give away a TV and a guitar.

At 10:40am, Clerk & Recorder, Dayna Ogle, brought copies of the sheriff deputies' December timesheets. Hurwitz said he did not know the answer but thought if guys had to go to training, maybe Lopp should only have one guy on duty. Schlepp disagreed. She said she was glad that there was no training or overtime scheduled for the next four months. Hurwitz said it was tough having three guys in training, that Lopp should not do that. Lopp replied that he would avoid it if

he could. Townsend asked about the reserve officers. Lopp told him that Rodger (Shroyer) worked one day in December, and that he tries to use the reserve officers whenever possible, but they all have full-time jobs so it is not easy. Townsend said he was okay with the overtime if it was because of training and was not scheduled excessively. Lopp added that with three guys on duty in a 24-hour period, as he had started doing the 17th of December, it would be possible to adjust schedules and reduce overtime. Lopp concluded by telling the commissioners that there would be training the coming weekend for Search and Rescue.

PUBLIC COMMENT:

Delinquent Taxes:

County Treasurer, Sue Phelan, dropped by to visit with the commissioners regarding delinquent taxes. She pointed out that Meagher County is one of the only counties she knows of that allows taxpayers to make payments on outstanding taxes. She asked the commissioners whether they would have a problem with her paying down the most delinquent portion of taxes first. She said the law requires counties to pay the most current taxes first. Hurwitz wondered what the consequences would be to pay the most delinquent taxes first. Schlepp agreed with Phelan, arguing that their job is to protect the people.

Skype for Commissioner Townsend:

County IT Specialist, Jim McDanel, dropped by to visit with the commissioners regarding setting up Skype for Townsend to use on his vacation to Hawaii.

Minutes:

Action 1:

Hurwitz moved to approve the minutes from the previous meeting (December 20, 2011). Townsend seconded. A vote was held and passed unanimously (3-0).

Claims:

Commission was presented Voucher #1238, CK#43432 totaling \$91,886.00; and Voucher#1241, CK#43449 through CK#43480, totaling \$18,155.28. Commission approved and signed checks as presented. Payroll Voucher#10, CK#218015 through CK#218026 totaling \$11,544.61; Payroll Deductions Voucher#1239, CK#43433 through CK#43439, totaling \$83,636.99; and Health Insurance Voucher#1240, CK#43441 through CK#43448, totaling \$22,110.08 were also presented and approved.

Meeting Adjourned:

Chair Schlepp adjourned the meeting at 11:45am.

Next Meeting:

Commissioners are scheduled to meet Tuesday, January 10, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Tuesday
January 10, 2012
8:30am – 2:30pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chairperson Schlepp called the meeting to order at 8:30am.

Commissioners Present:

Chairperson Nancy Schlepp, Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

Nico Cantalupo—RC&D Issues:

County Extension Agent and Board Member, RC&D, Nico Cantalupo, visited with the commissioners to let them know that RC&D Executive Director, Jon Shaffer, had told him that if there was a tax forfeiture in Meagher County, they might be able to use that. He said he needed to talk to Beth (Hunt) as well. Commissioner Townsend told Cantalupo that Hunt has been talking about the possibility of using excess income from Springs Manor to build a new HUD facility.

Clerk and Recorder, Dayna Ogle joined the meeting at 8:35.

Resolution to Appoint Bonnie Swandal Special Temporary Deputy County Attorney:

Action 1:

RESOLUTION - 2012 - #1

WHEREAS, the Meagher County Attorney has requested temporary prosecutorial assistance for a few ministerial hearings that are scheduled to take place during a two week period when she is scheduled to be out of the country.

WHEREAS, it is desired and deemed appropriate that a special deputy county attorney can be appointed to assist in certain situations.

IT IS HEREBY RESOLVED:

That Bonnie Swandal of DESCHENE & SWANDAL PC is hereby appointed to serve as a special deputy county attorney for Meagher County during the following period of time: January 1, 2012, through January 15, 2012, for the purpose of covering procedural hearings for the State of Montana during the Meagher County Attorney's planned absence.

IT IS FURTHER RESOLVED:

That no fee will be charged to Meagher County for the services provided by Ms. Swandal.

Dated this 10 day of January, 2012.



Dayna Ogle
CLERK AND RECORDER

Harold Blattie
CHAIRMAN

Bob Hurwitz
MEMBER

Herb Townsend
MEMBER

County Health Insurance:

Townsend pointed out that if the County puts something out to bid, according to Harold Blattie, they are legally bound to accept the lowest bid. If they ask for a proposal, on the other hand, they can stipulate various things, and are allowed to choose the best proposal. Ogle suggested that, instead of asking for bids on the County health insurance, she needs to do an RFP (request for proposal). Townsend showed her a copy of Carbon County's RFP. He added that with an RFP, MACo will submit a proposal too.

Townsend added that MACo is a newer trust and is working on building a reserve and as a result, might have higher premiums. They currently have \$1.5-2 million in reserve. Townsend said he was concerned that if Meagher County left MACo for a different company, it would lose access to the reserve. Hurwitz said he was concerned about how long it would be till rates rose if they were to join a new plan. Townsend asked Ogle whether the insurance broker who was putting a proposal together for the County would have various quotes. She said that she would. Townsend concluded by saying Meagher County has paid in to MACo less in premiums in the last three years than it has taken out in claims.

Ogle told the commissioners that a decision would have to be made by March 1, as the new Obama healthcare law stipulates employers have to let employees know of any changes by then.

Jim McDanel—Skype for Commissioner Townsend:

County IT Advisor, Jim McDanel, dropped by to make sure Townsend's Skype was working for his trip to Hawaii.

County Credit Card:

Townsend suggested they discuss whether the County should have a credit card. Ogle said that she would like the County to have one and suggested keeping it in the Clerk and Recorder's office. Schlepp pointed out that employees would still need the actual card when checking in to hotels. Townsend stated that was usually for incidentals, something the employee should pay for anyway. Hurwitz wondered what the drawback was to not having a card. The employees always get reimbursed, he added. Schlepp said sometimes there might be a lag time. Ogle shared an example a colleague in Liberty County had shared, in which the librarian there would order books from Amazon, submit a copy of the order for reimbursement, and then cancel the order before it was charged to her card.

Schlepp suggested getting the card and giving Ogle and her deputy, Christy Rogers, to have access to it. Hurwitz asked about the Sheriff Department. Ogle replied that they would still have to come to the office. Schlepp said they should still require a receipt, that an employee stayed in a hotel, for example. Townsend said he would go along with the idea. It was agreed to put the issue on the agenda at the next meeting.

Minutes:

Action 2:

Townsend moved to approve the minutes from the previous meeting (January 3). Hurwitz seconded. A vote was held and passed unanimously (3-0).

Tim McGuire, WSS TV District; BJ Hawkins, WSS Public TV—Review TV District Tax Assessment:

Present for this part of the meeting, in addition to the commissioners, were Tim McGuire (Chair of the WSS TV District), BJ Hawkins (Director of WSS Public TV), Becky Hurwitz-Leger (County Assessor), Sue Phelan (County Treasurer), Shauna Porter (Deputy Treasurer), Clerk and Recorder Ogle, and Sandra Yardley.

Schlepp began by saying they were discussing the TV District because of a call received from a community member. She also said the Commission had been thinking about the District wrong, that they were able to pass a resolution to dissolve the district if they decided to do that. Hurwitz said the question is who actually uses the public TV. McGuire told him he knows of 40-50 people who use it, since he regularly helps them. And he knows that use has been increasing with cable gone and recent upgrades to the system.

Schlepp told him there are 669 taxpayers paying for the service. Hurwitz added that it has been in place since 1966. Hawkins pointed out that they had \$26,000 of equipment waiting to be installed. McGuire said that if people are rich, they can get Dish. Porter countered that she can't receive public TV in town.

Leger-Hurwitz told McGuire that some taxpayers are getting taxed on lots, and some sheds too. McGuire replied that the TV board has no protocol for taxes, that the County does that. Ogle told the assembled group that the original wording of the resolution creating the TV District says people are assessed the fee per person per TV. She said that Becky (Hurwitz-Leger) would like clarification and rewording so she knows how to assess people. Ogle continued, stating that if the district is not dissolved, the wording in the resolution does need to be changed. They were looking for a recommendation from the TV Board.

Hurwitz said he is always nervous about perpetuity. He suggested reviewing the district. They would pass a resolution stating their intent to dissolve the district and then let the public come forward to share their views. McGuire countered that that was coming from a negative viewpoint. He argued that he wished they had discussed this before the District had spent \$60,000 last year on equipment. Porter pointed out to McGuire that he was the one with the negative perspective in that he does not want to give anyone a choice. McGuire reiterated that he did not know how many users there are. Hurwitz-Leger told him that his taxpayers are complaining.

Schlepp said that with 669 taxpayers, if over half of them use the service, it is good value. But if only 40 people use, that is \$334 per person, which is a lot. The commissioners have a duty to lower income people too, she said, but there needs to be balance. Yardley added that maybe many people don't know about it but would use it if they did. Schlepp continued, saying they need to find out how many users there are, and this resolution is how to do it. She added that she is willing not to go forward with the resolution if there is another plan in place to find out how many users there are.

Hawkins wondered then how they would find out the number of users. Hurwitz replied they will publish a letter with the intent to dissolve. McGuire suggested sending the 669 taxpayers a letter directly. Porter suggested that they would likely pull in others by an ad in the newspaper.

Hawkins then pointed out to the commissioners that if they dissolve the TV district, it may never come back. As the economy worsens, more and more people will be unable to get pay TV. Porter reminded her that she does not want to pay for something she cannot receive. Yardley suggested asking for donations. McGuire conceded that the wording of the resolution be changed so that if you can't get the signal, you don't pay. Phelan wondered how that could be proven. Hawkins replied they would have to rely on honesty. Hurwitz reiterated his desire to find out if the public needs this. They would propose to dissolve the TV District unless brought back by popular demand.

Phelan told the commissioners she would be willing to conduct a phone survey of the 669 taxpayers. Porter said she would help. Who they can't reach, she said, they would send a letter. Hawkins asked if she and McGuire could have some input on the questions asked. McGuire suggested "Do you support local TV?" "Do you watch it?" "Do you receive it?"

Townsend asked how *they* would finance the district. Hawkins said she would start doing over-the-air fundraisers. Townsend asked if they would object to having those who use the service or who really want it to more for it? McGuire replied that this is "public" TV, and once they would go to "pay" TV, they would not be able legally to run it anymore.

Ogle asked what the annual cost is. McGuire told her it costs him about \$5000 a year for electricity and the technician. Townsend wondered why the courts don't help pay for some of the public service people. Hurwitz asked if here if they do not get \$20,000 in grants. Hawkins pointed out that that is not related to her PBS station, which is strictly broadcasting. She added that since they are not a "full-service" station, they do not qualify for funding. Every weekday from sign on to 4:00 pm she added is strictly children's programming. Hurwitz complimented her on her work.

Then he suggested they find out how many users there are. Schlepp corrected her math from before. She said it would actually be \$670 per person per year if only forty people use it. Hawkins reminded them that this is a public service in a time when other services are being cut. McGuire said that at least for the TV District he could get by with much less. Townsend asked him how much he would need. He said \$6000 would be enough to cover expenses but \$10,000 would be safe in case of emergency. Schlepp stated that would work out to \$15 per person. Hawkins added that she might be able to get by on \$15.

Hawkins mentioned that there was quite a reserve built up and wondered if that could be transferred into the general fund. Schlepp said that it could. Hawkins asked if, in the event the district is dissolved, they could continue to run until the funds are gone. Schlepp replied that they had not considered that, but it is certainly an option.

In the end, it was agreed to proceed with the phone survey, and to follow up with a letter if necessary.

Commissioner Townsend left the meeting at 11:00am for the remainder of the day.

Jodi Tierney, Mid-Montana Insurance—Early Return to Work Policy:

Jodi Tierney met with the commissioners to give an overview of the newly passed Return to Work legislation and how it affects the County. Also present was Clerk and Recorder Ogle. She said that Meagher County needs to develop a policy and have it in force by July 1. Ogle asked her what exactly an early back to work policy is. Tierney replied that the employer works with the employee to get them back to work, maybe doing work different from their usual job. Ogle asked about pay. Tierney said the law makes it possible for the employer to set the pay. Ogle asked if the County *had* to create work. Tierney replied that it does. Schlepp asked what happens if no work is available. Ogle asked at what point is it necessary to bring them back. Tierney replied that clearance from the doctor would still be required. Hurwitz pointed out that all the County jobs are already covered. Otherwise they would have hired somebody already. Tierney said the law is just trying to get workers back to work after injury.

Hurwitz stated this new law could be very costly to counties. Under the law, HB334 from the previous legislature, workman's comp will pass the costs of an injured worker on to the County whether or not the County has a job the injured worked is qualified to do.

Schlepp asked what would happen if, hypothetically, someone is unable to get back to their old job but wants to continue to work. Tierney replied that in that case they would want to talk to Jack (Holstrom, MACo Counsel) about a termination or separation agreement. Schlepp commented that the law is great for someone they know is coming back.

Ogle verified that July was the deadline. Tierney replied that she only needs to know it has been adopted by July 1. The County might get audited, however. Ogle also verified that it is not possible any longer just to say there is no job, and that the County can state what the appropriate pay is. Tierney said that is the case.

County Board of Health Meeting:

Schlepp called the meeting to order at 1:35pm. Present, in addition to Schlepp and Hurwitz, were Kari Jo Kiff (County Health Nurse), Jessica Hayes (Kiff's assistant), Deen Pomeroy (County Sanitarian), Julian Theriault (WSS Mayor), and Sandy Harris. Kiff began by giving her quarterly report. Of note, she said there were no reportable diseases. She is continuing to visit Springdale and Martinsdale once every month or two. She has been busy with influenza vaccinations, with 237 given so far this season. The pertussis outbreak in Gallatin County, which spread to Lewis & Clark and Park Counties, has not spread to Meagher County. There has been record assessment for newly enrolled students at the schools, pre-school, day care. And there was a fourth Clean Indoor Air Act violation at the MT Roadhouse, but no action or follow up so no fine.

Pomeroy then gave his report. He said he was in town on December 30 to do some inspections. He dropped by a wedding reception at the Roadhouse and found no evidence of smoking inside. His inspections were completed New Year's Eve. He said that nine septic installers had renewed their licenses so far. And five septic permits were issued last year.

Harris said she was pleased by Tobacco Prevention Specialist, Aaron Blair's efforts at tobacco education. Theriault related that the Lane Bar was changing hands and the new owners were non-smokers. He thought that would help the smoking issues there.

Kiff introduced her newly hired assistant, Hayes. Schlepp adjourned the meeting at 1:50pm.

Public Comment:

There was no public comment.

Claims:

Commission was presented Voucher #1242, CK#43481 through CK#43509, totaling \$19,738.46. Check #43374 from Voucher #1235 was voided as it should have been a reimbursement check. Commission approved and signed checks as presented.

Meeting Adjourned:

Schlepp adjourned the meeting at 2:30pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, January 17, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders
Distributed January 17, 2012, to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
January 17, 2012
1:00pm – 4:30pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chairperson Schlepp called the meeting to order at 1:00pm.

Commissioners Present:

Chairperson Nancy Schlepp and Vice Chair Ben Hurwitz. Commissioner Herb Townsend joined the meeting by telephone.

Resolution for County Credit Card:

Action 1:

RESOLUTION 2012-#2

Vice Chair Hurwitz moved that Meagher County have one credit card, to be run through the Clerk and Recorder's Office. Townsend seconded. A vote was held and passed unanimously (3-0). It is therefore resolved.

Townsend left the meeting at 1:30pm.

Southwestern Montana Financial Center—Request for Proposal (Health Insurance):

Julie Blockey from Southwestern Montana Financial Center met with the commissioners to present proposals for new health insurance options. Also present were Clerk and Recorder, Dayna Ogle; Deputy Clerk and Recorder, Christy Rogers; and Treasurer, Sue Phelan.

Blockey began by handing the assembled group binders with letters of proposal from three different health insurance companies. She went on to give overviews of the three proposals. The first was from an organization called Montana Chamber Choices, which would group Meagher County with Chamber members statewide. She handed the commissioners a spreadsheet showing current MACo premiums each employee is paying, compared with what the Chamber Choices premiums would be, for both Tier 1 and Tier 2 coverage. She did the same with BlueCross BlueShield Community and Employers Association of Montana.

She was able to get such rates by looking at 4/1 and 2/1 start dates, she continued. Ogle asked if that meant they would have to sign on by February 1 for an April 1 start date. Blockey said March 1 would work too. Hurwitz wondered if the employees would vote on this. Schlepp told him it was the commissioners' decision.

Blockey briefly touched on life insurance, which would be available to every employee whether they bought health insurance or not. It would be offered through Unum and it would be portable. There would be no reduction in benefits until age 70. Employees would receive \$25,000 automatically and could purchase up to \$50,000 more without proof of insurability. She then addressed dental and vision insurance as well. She concluded by telling the commissioners that each of the three plans she proposed would have an Employee Assistance Program included.

Road Department—State Highway Millings:

Road Department Foreman, Bruce Smith, met with the commissioners to discuss whether to accept highway millings from the State. He told them he does not want the millings, they are hazardous waste once they leave the highway, and the County already has a pile of them. Schlepp asked him if the city might be interested. He said he doubts it.

Smith asked the commissioners if the County Shop could have a computer with internet. IT Director, Jim McDanel, joined the meeting at 2:50pm. He said there are extra computers and he could get internet from Triangle. Schlepp asked him to get whatever is cheapest for now and a county e-mail account as well. Smith asked for a printer too if there was one available.

Schlepp then raised the topic of Smith becoming Road Supervisor after current supervisor, Ray Ringer, retires at the end of March. She told him he would become supervisor as of April 1, he would appoint his deputy, and it would be necessary to advertise for a replacement for that person. He was asked if he had a job description or any requirements for the position. He said a CDL and mechanical experience but that was really it.

It was agreed to advertise for a temporary road crew member, to begin the beginning of March and temporary till April 1, with the possibility of becoming permanent.

Public Comment:

There was no public comment.

Personnel Issue—Closed Session:

The meeting was closed at 4:00pm. It was reopened at 4:30pm.

Claims:

Commission was presented Voucher #1243, CK#43510 through CK#43538, totaling \$7,213.74. Commission approved and signed checks as presented.

Meeting Adjourned:

Schlepp adjourned the meeting at 4:30pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 7, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders
Distributed February 7, 2012, to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Friday
SPECIAL SESSION
AUDIT EXIT INTERVIEW
January 27, 2012
1:15pm – 3:30pm
Met in Commissioner's Chambers

Meeting Called to Order:

Chairperson Schlepp called the meeting to order at 1:15pm.

Commissioners Present:

Chairperson Nancy Schlepp and Vice Chair Ben Hurwitz. Commissioner Herb Townsend joined the meeting by telephone.

Sheriff Position Approval:

Communications Director, Maebeth Seidlitz, met with the commissioners to ask their approval to advertise for an on-call dispatcher. Permission was granted.

Sharon Tripp—Audit Exit Interview:

Auditor, Sharon Tripp, met with the commissioners to give them a report on her audit findings. Also present were Clerk & Recorder, Dayna Ogle; Deputy Clerk & Recorder, Christy Rogers; Treasurer, Sue Phelan; and Deputy Treasurer, Shauna Porter. First Tripp reviewed the findings from the previous year's (FY 2009/2010) audit. Then she reported her findings from (FY 2010/2011). Of the six findings from the previous year's audit, three carried over to the current audit year. There was one new finding as well. She concluded by addressing some issues that she felt were important to consider going forward.

Fund Development:

Action 1:

RESOLUTION 2012-#3

Chair Schlepp moved to create a new fund to hold the Harmon Trust money (new fund #2790). A vote was held and passed unanimously. It is thereby resolved.

GASB54—Fund Balance Designation:

Tripp then stressed the importance of designating all funds by one of four categories: restricted, committed, assigned, and unassigned. The County would need to review all funds to make sure they were designated appropriately and then pass a resolution as to which fund is in which category and who has authority to make decisions regarding those funds.

Closed Session—Personnel:

Chair Schlepp closed the meeting at 2:40pm to discuss a personnel issue. She reopened the meeting at 3:00pm.

Claims:

Commission was presented Voucher #1244, CK#43539, totaling \$2000. Commission approved and signed checks as presented.

Meeting Adjourned:

Schlepp adjourned the meeting at 3:00pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, February 7, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nate Sanders
Distributed February 7, 2012, to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle