

PROCEEDINGS OF THE BOARD OF THE COMMISSIONERS
MEAGHER COUNTY, MONTANA

April 3, 10, 17, 2012

Tuesday

April 3, 2012

9:00am-4:20pm

Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Vice Chair Ben Hurwitz and Commissioner Herb Townsend.

Bruce Smith—Road Report:

Road Department Supervisor, Bruce Smith, met with the commissioners to give his monthly road report. He mentioned David Voldseth, who had offered to let the County crush gravel on his property in exchange for the County graveling the four miles of county road to his dude ranch. It was agreed to have County Attorney, Kimberly Deschene, draw up an agreement for at least 20-25,000 yards of gravel. He also discussed the recent MACRS convention he had attended. Townsend asked him about the asphalt from the airport, whether it could be used. Smith said he was not sure but maybe it could be mixed with gravel for dust control.

Scott Birkenbuel, MT Independent Living Project—Transportation Program Proposal:

Scott Birkenbuel met with the commissioners to give them an overview of a \$50,000 grant received by the Montana Independent Living Project to provide transportation in Wheatland and Meagher Counties for seniors. He said there would be three things that would come out of the grant. First, a Transportation Advisory Committee would be set up to assess the actual transportation needs of County seniors. Second, a voucher program would be developed to pay mileage costs for people providing seniors with transportation. Hurwitz asked if this would be primarily for travel outside Meagher County. Birkenbuel replied that that was most likely the case. Townsend wondered where the grant came from. Birkenbuel replied that it was a Federal Office on Aging grant. The third thing set up with the grant money would be a rider board to connect seniors needing transportation with people who could provide it. It would be online and there would be an actual bulletin board set up somewhere in a central location.

They discussed liability issues. Birkenbuel conceded it was an issue that needed addressed. Hurwitz asked about eligibility for the program. The federal government, Birkenbuel replied, set the minimum age limit at 62. That is the only federal requirement, but the County would be free to add its own criteria as well. The advisory council would have the final say. Birkenbuel stressed that the program would not necessarily be geared towards the disabled. It would target seniors.

He then explained the funding sources for MILP. First is the rehab grant, the one received for transportation. Second is a match from the State DPHHS. And third is Medicaid reimbursement. He added that they would be looking for more sustainable funding in the future and asked the commissioners for their support. He stressed that they would not be asking the County for a penny, but rather to support their movement through legislation. Townsend reiterated his concern for liability issues.

Minutes:

Action 1:

Hurwitz moved to approve the minutes from the previous meeting (March 20, 2012) with one change. Townsend seconded. A vote was held and passed unanimously (2-0).

County Attorney Update:

County Attorney Deschene met with the commissioners to give her weekly update. She shared some thoughts from a recent workshop in Billings she had attended. Her primary concern was the County Personnel Policy Handbook. She shared some specific issues she felt left the County open to liability. It was agreed to review them at a future meeting.

She briefly discussed a criminal proceeding she was working on. Then she told them she had received a letter from the Hospital District Board asking for an opinion giving them greater power. She was concerned they are taking on their own agenda, ignoring the mission established for them by the commissioners. She recommended the commissioners dissolve it. Townsend felt there was nothing the commissioners could do as the District Board is also an elected body. Deschene pointed out that Chair Schlepp would want to be involved in any discussion on the matter.

Paul Kroeger—Contract Handyman:

Paul Kroeger met with the commissioners to discuss the possibility of becoming the preferred contract handyman for the County. Kroeger said he normally gets \$50 an hour labor but would be covered under his own liability insurance. It was agreed that if repairs came up of a certain nature, the County may call him either to do the work or to bid it out for them.

Mayn Cemetery—Summer Help/Board Changes:

Board Changes

D. Kinnick from the cemetery board; Chuck Lucas, proxy for board member, Marion Lucas; Gene Harris, cemetery sexton; and his wife Sandy, joined the commissioners. First they discussed some needed changes to the board. It was agreed that current chair, J.R. Shinabarger, would be removed from the board, and that Lucas would join the board. It was also agreed to ask Mike Wofford to join the board.

Action 2:

Hurwitz moved to remove J.R. Shinabarger from the board of the Mayn Cemetery. Townsend seconded. A vote was held and passed unanimously (2-0).

Action 3:

Hurwitz moved to appoint Chuck Lucas to a three-year term on the board of the Mayn Cemetery. Townsend seconded. A vote was held and passed unanimously (2-0).

Summer Help

Re-hiring Cristian Harris as part-time temporary summer help was discussed next.

Clerk & Recorder Dayna Ogle joined the meeting at 1:50pm.

Ogle explained that by hiring Harris as part-time temporary, the County would pay Workers' Compensation and Unemployment Insurance but no benefits. And they could hire him for up to 12 months. They just have to stay within the cemetery's budget.

Action 4:

Hurwitz moved to hire Cristian Harris as part-time temporary help at minimum wage (\$7.65) from May 21 through August 31, to help at the Mayn Cemetery. Townsend seconded. A vote was held and passed unanimously (2-0).

Dayna Ogle, Clerk & Recorder—MCHDB Election/Precinct Committee/Soil Conservation Election:

Meagher County Hospital District Board Election

The commissioners signed the following notice that there will be no election for Hospital District Board representative as there was only one candidate who filed.

Notice

NOTICE IS HEREBY GIVEN that the hospital district election will not be held as the number of candidates nominated for a districts representatives are less than or equal to the number of positions to be elected.

IT IS HEREBY DECLARED THAT a hospital district board election will not be held and the candidates who filed for the position will be elected by acclamation. (See attached list of filed candidates for the position that will not appear on the ballot.) If no one filed in the hospital district, vacancy is created and the vacancy must be filled by the party's governing body as provided in its rules.

*Dated this 3rd day of April 2012,
Meagher County, Montana*

Commission Chair Nancy Schlepp



Commission Vice Chair Ben Hurwitz



Commission Herb Townsend

Soil Conservation Election

Ogle informed the commissioners that the Soil Conservation District would not hold an election as there were two candidates—Bill Galt and Hank Brewer—who filed for two positions.

Party Precinct Committee

Ogle informed the commissioners that there were no candidates for either party's precinct committee.

Request for Proposals (RFP) for Health Insurance

Ogle walked the commissioners through the time frame she would use to request proposals for health insurance. She added that they would be forming an advisory committee of five employees, plus the commissioners, to review the proposals.

Sixteenmile Creek Access

Hurwitz asked Townsend about the notice they had received from FWP regarding a public meeting scheduled for the following week to discuss opening up the Sixteenmile Creek for fishing access. It was discussed whether to make an official comment. It was agreed to forward copies of the notice on to all Sixteenmile Creek landowners and other interested parties so they would know about the meeting and could attend.

Jon Lopp—Sheriff Report:

Sheriff Lopp met with the commissioners to give his monthly report. He told them he was looking into having a vehicle cage made for Deputy Sereday's vehicle after a recent incident trying to transport a perpetrator back to town. He said A.J. Clayton is looking at old parts to see if he can't fabricate something. Hurwitz agreed that at least one Sheriff vehicle should have one.

Lopp informed the commissioners that they would be doing the Every 15 Minutes program in the schools on April 17 and 18. He also mentioned some required computer and server upgrades which would cost around \$6000. It was agreed to pay for the upgrades out of the Communications budget. He concluded his report by telling the commissioners that during the troublesome transport he had mentioned before, Sereday hit a deer. He said they will be adding a grill guard when they replace the bumper.

Public Comment:

Carol Hatfield, District Ranger—RAC Funds

District Forest Ranger Carol Hatfield met with the commissioners to give them an update on the status of the RAC funds the County was awarded. Also present were Road Supervisor Bruce Smith and Clerk & Recorder Ogle. Hatfield informed the commissioners the County has been approved to receive \$195,000 of its own. Combined with Forest Service grants, that number increases to \$229,000. The grants include \$55,000 for the recent repairs at Benton Gulch and \$60,000 for the gravel crushing and spreading at Smith River. She explained that there is a lot of paperwork involved but if things go smoothly hopefully the County would receive its funds by the end of April.

She also addressed Secure Rural Schools funding, saying its status all depends on what happens with the Farm Bill. Hurwitz asked her where things stand with the Tenderfoot acquisition project. She said they have \$2 million to buy more acreage, and there was \$3 million allotted in the president's 2013 budget, which is not enough to complete the project. As such another phase would be required.

Claims:

Commission was presented Voucher #1260, CK#43833 through CK#43887 totaling \$35,337.59. Commission approved and signed checks as presented. Also presented were Health Insurance Voucher #1259, CK#43824 through CK#43832, totaling \$23,094.76; Payroll Deduction Voucher #1258, CK#43817 through CK#43824, totaling \$77,141.37; and Payroll Voucher #14, CK#218052 through CK#218067, totaling \$14,248.93. Commission approved as presented.

Meeting Adjourned:

Vice Chair Hurwitz adjourned the meeting at 4:20pm.

Next Meeting:

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

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed April 10, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle

Tuesday
April 10, 2012
9:00am-3:40pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Nancy Schlepp and Commissioner Herb Townsend.

Carol Hatfield, US Forest Service—Tenderfoot Land Acquisition:

District Ranger, Carol Hatfield, met with the commissioners to discuss the Tenderfoot Land Acquisition program. Also present was Weed Supervisor, Otto Ohlson. She explained that there was \$3 million for the program proposed in the President's 2013 budget. This year they were able to purchase 280 more acres, shoring up last year's purchase, and making an entire section, to complete Phase 4. Phase 5 would include using the proposed \$3 million to purchase 2300 more acres. They are also working with the state of Alaska to free up funds that have accumulated there but are not being used. She explained to the commissioners that they had written letters in support of the project in 2008, and she asked them to do the same again.

Action 1:

RESOLUTION 2012-#19

Commissioner Townsend moved to pass a resolution reiterating Meagher County's support for the potential land purchase in the Tenderfoot area. Chair Schlepp seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Chair Schlepp signed letters of support to Senators Baucus and Tester, Congressman Rehberg, and Ranger Hatfield.

RAC Funds

Hatfield then reviewed with Ohlson the grant money Meagher County Weed qualified for out of the RAC funds. She said his project, the Meagher County Roads Weed Treatment, was recommended for partial funding. He would receive \$17,825. She mentioned three other projects—Forest Lake, Spring Creek, and Tenderfoot—for which the Forest Service received funding. All three projects would be contracted out, but she would like Ohlson to be involved in inspections, to make sure the contractors were up to County specifications. He agreed.

Townsend asked Hatfield if this is a one-year grant. She said that it is. It is for one-year for \$50,000 and would require the contractors to map the weeds. Townsend wondered about the future after one year is up. Ohlson told him the landowners have always paid for the spraying in the past. They would just not have to pay this year. Townsend suggested it would be better to spend the funds over a two-year period if possible. Ohlson agreed. Hatfield told the commissioners the Bair Foundation was going to set aside 5% of the proceeds from the land sales into a fund to help manage weeds and handle other maintenance needs. Townsend shared his concern that this was a lot of money and oversight would be necessary to bring positive results. Hatfield told him that Erin Fryer would be overseeing the funds and she, along with Mike Wofford and Ohlson, would be doing the inspections.

Otto Ohlson—Weed Update:

Ohlson remained with the commissioners to update them on the Weed program. He explained that he generally does a third of the highway spraying himself and contracts the other two-thirds out. He had three men work part-time for him last summer. He would like to bring somebody on permanently but that would require more equipment, an investment he was not willing to make since he could not foretell the future of the Weed Program and whether there would be sufficient funds available to sustain an employee.

Schlepp asked if there would be a three-county weed project again this year. He said there would not, but he had received a \$30,000 grant to spray in the Ringling area. He presented his Weed Plan to the commissioners for approval. They duly signed.

Townsend asked Ohlson if he had ever worked with County Extension Agent, Nico Cantalupo, and whether it would be possible to involve him in some of the supervision. Townsend added that it would be helpful to have Cantalupo work with Ohlson and his maps to become familiar with the process so he could be involved in hiring a replacement for Ohlson. Ohlson welcomed the idea, saying that Cantalupo is on the Noxious Weed Trust already.

Ohlson then informed the commissioners about a decision that was made at a recent Weed Board meeting. He told them when he started as weed supervisor, there were insufficient County funds available to run a successful program. So he decided to run the program more as a business, charging landowners to spray on their property as well. At the board meeting it was decided that there was now enough money set aside over the years that they could afford to go a year without collecting the 3 mils they have been receiving from taxpayers.

They briefly discussed replacing a bridge in the city of Sixteen. Townsend asked about fishing access. Schlepp told him FWP was holding a public meeting at the courthouse the following evening. Ohlson told them the Conservation District had written another letter to FWP against the proposal, mainly due to weed issues. He asked Schlepp whether they could condemn the land. She said that eminent domain laws are much stricter now than in the past, but they certainly might try.

Minutes:

Townsend moved to approve the minutes from the previous meeting (April 3) without change. Schlepp seconded. A vote was held and passed unanimously (2-0).

Rick Seidlitz—Fire/DES Grant/EMPG Grant Update:

Fire Chief/Director of DES, Rick Seidlitz, met with the commissioners to give his monthly update. First he had them sign off on an application for an EMPG Grant. They duly signed.

He said they have already had two fires and he is expecting a bad summer. They have begun work on trucks to get ready for spring inspections. The DNRC is giving the County another truck to replace the one kept on the Hurwitz Ranch. The school district has sold the Ringling School and the fire department should receive the land from that any day. He felt comfortable the County could get a loan to build the new fire garage there. He then mentioned the dump truck that the City has been using. It is going to be turned into a tender but needs painted first. It will cost \$1800-1900, but that money is not in the budget. In the past, he added, they had received \$20,000 annually in grant money to upgrade equipment. That would have been sufficient to upgrade the truck, but the grant amount was cut to \$10,000 for the current year. If they receive \$10,000 again next year, they will be able to do it.

Schlepp raised the issue of the Grassy Mountain Fire District. Seidlitz recommended that the Fire District build the fire hall with its own money. The land is there. The well is there. Everything has been addressed. And as soon as the hall was built, he would send two trucks and train interested residents to be firefighters. Three Forest Service firemen live there now, he added. There will need to be elections this year to a Fire District Board, which might be tough since the filing deadlines have passed. Schlepp agreed. She said they would have an election, and if no one ran or was elected, the commissioners would appoint people to the board. It was agreed to get the issue on a future agenda.

Kari Jo Kiff—County Health Nurse Report:

Kari Jo Kiff met with the commissioners to give her monthly update. Also present was Clerk & Recorder, Dayna Ogle. Of note, she wondered if the CSBG funds from HRDC had been allocated yet. She is waiting on reimbursement from two requests for payment she has submitted. It was agreed to look into this. Next, she explained some recommended changes to the way her funds are set up.

Action 2:

RESOLUTION 2012-#20

Schlepp moved that \$2000.00 be moved from HAN (2974) into the Bio Equipment Cash Reserve Fund (2976.500.000.102320.000) and that \$10,000.00 be moved from HAN (2974) into the Bio Outbreak Reserve Fund (2976.500.000.102330.000). Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Action 3:

RESOLUTION 2012-#21

Schlepp moved that \$5000.00 be moved from the Bio Equipment Cash Reserve Fund into the Bio Equipment Restricted Cash Fund (2974.000.000.102131.000) and that \$13,000.00 be moved from the Bio Outbreak Reserve Fund into the Bio Outbreak Restricted Cash Fund (2974.000.000.102132.000). Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Action 4:

RESOLUTION 2012-#22

Schlepp moved that \$26.44 be moved from Lead Testing (2969) into the General Fund (1000). Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Action 5:

RESOLUTION 2012-#23

Schlepp moved that the Lead Testing Fund (2969) be closed. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Action 6:

RESOLUTION 2012-#24

Schlepp moved that a new fund, 2969 Bair Grant, be opened to improve the tracking of the money received from the Bair Family Trust. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Kiff concluded by briefly discussing an extra \$150 she had received from the State for reviewing daycare records, changes to the 2012 Immunization Grant, visits to Springdale Colony, and a fifth violation of, and resulting prosecution, the Clean Indoor Air Act.

County Board of Health Meeting:

The County Board of Health met for its quarterly meeting. In attendance, in addition to Commissioners Schlepp and Townsend, were Sandy Harris; County Health Officer, Brett Williams; County Health Nurse Kiff; County Sanitarian, Deen Pomeroy; County Tobacco Prevention Specialist, Aaron Blair.

Schlepp called the meeting to order at 1:35pm. Pomeroy began the meeting by giving the Sanitarian report. He said he had inspected the kitchen at the school last month. He has not returned to the Roadhouse since his previous visit in December. He told the commissioners of an issue at Mitzpah, near Forest Green. The area is being developed for increased usage and they want to put their wastewater, up to 3000 gallons per day, into the City's sewage system. The City does not want it. Steve Kilbreath, the State's subdivision coordinator suggested they find somewhere else to develop as the groundwater was too shallow to tap into. Pomeroy mentioned a few other issues, including solid waste.

Pomeroy told the group about a recent workshop he had attended in Helena regarding inspections and food-borne illnesses. Townsend asked if he would be involved in the Red Ants Pants Music Festival this year. He said he would. He added that those selling food for profit this year would be required to have a license from the state, as opposed to the short-term food permits they required last year. Ninety percent of the license fees would come back to the County.

Kiff then gave her report. She discussed two confirmed disease outbreaks, visits to the colonies, adolescent vaccine campaign, a presentation on the Gallatin County Pertussis Outbreak, pre-school/daycare assessment, and a fifth violation by a local establishment of the Clean Indoor Air Act.

There followed a debate regarding a letter the Tobacco Coalition had intended to send to the school district discouraging them from using the Roadhouse for any official functions as they are not in compliance with the Clean Indoor Air Act. Schlepp noted her concern about liability. Pomeroy acknowledged that smoking residue will remain in a building for months even after smoking has ceased. He suggested doing an educational piece focusing on these risks without singling out any establishments. Maybe this could be done for the school board, he added. Schlepp said she still would not be in favor of this unless it was cleared by MACo attorneys first.

Schlepp adjourned the County Board of Health meeting at 2:18pm.

Designation of County Earmarked Alcohol Tax Money:

Jean McCauley joined the meeting by telephone to discuss the Southwest Chemical Dependency Program and the services they provide to Meagher County. They have a counselor who visits White Sulphur Springs every week from their Livingston office. The program with the County has been going on for 30 years, and the taxes earmarked for them the last couple years have come out to be about \$4000.

Action 7:

RESOLUTION 2012-#25

Schlepp moved to re-designate the Southwest Chemical Dependency Program as the provider of services and the recipient of earmarked alcohol tax money. Townsend seconded. A vote was held and passed unanimously (2-0). It is therefore resolved.

Dayna Ogle—Clerk & Recorder Report:

Post Office

The following resolution was made regarding the closing of the rural post offices:

Action 8:

RESOLUTION 2012-#26

RESOLUTION NO 2012-#26

WHEREAS, the citizens of Meagher County rely on the United States Postal Service to deliver items timely, six days a week to conduct commerce and to obtain goods and information not available locally, and

WHEREAS, many of our citizens, including the chronically ill, senior citizens, the disabled, and veterans rely on the Postal Service for timely delivery of medical supplies necessary for survival, and

WHEREAS, rural areas are being required to shoulder a disproportionate burden in an attempt to balance the Postal Service's budget;

NOW, THEREFORE, BE IT RESOLVED by the Meagher County Commissioners, that we hereby oppose relaxing or changing current postal service standards, closing of post offices, and consolidating mail processing centers that will adversely affect our citizens. We oppose the Postal Service's proposal to eliminate quality jobs in our community and recognize the efforts of our local postal workers. We request the Postal Service, Postal Regulatory Commission, and our Congressional Delegation provide detailed, transparent information that shows the true and accurate cost savings of changing/relaxing service standards, closures, and consolidations.

DATED THIS 10th DAY OF April 2012



Attest

Najma Ogle
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS

Nancy Schleppe
Nancy Schleppe Chairman

Ben Hurwitz
Ben Hurwitz Vice Chairman

Herb Townsend
Herb Townsend Commissioner

Audit Report

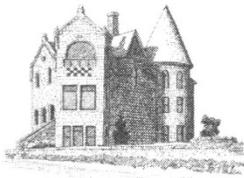
Ogle handed the commissioners copies of the audit report from FY 2010-2011.

Election Fees

The following resolution was made regarding charging fees for certain election-related services:

Action 9:

RESOLUTION 2012-#27



Meagher County

"The County with a Castle"

Office of
County Clerk & Recorder
Dayna Ogle

15 West Main Street – PO Box 309
White Sulphur Springs MT 59645
Ph. (406)547-3612 Fax (406)547-3388

**Schedule of Fees for Election Services Provided to:
School Districts, Special Districts, Municipalities and other interested Parties.**

WHEREAS, Section 13-1-201 Montana Code Annotated, directs the Board of County Commissioner to set a schedule of fees for services provided to schools districts, special districts, municipalities and other interested parties by the election administrator and

WHEREAS, it is in the best interest of Meagher County Montana to establish a schedule of fees for election services provided to aforesaid parties;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioner of Meagher County that the following schedule of fees for election services provided to school districts, special district, municipalities and other interested parties shall be:

Printed Mailing labels	\$0.05/label
Printed Registration Lists	\$0.25/page
Emailed Voter List	No Charge



Dayna Ogle
Dayna Ogle Clerk & Recorder

Adopted this 10th day of April 2012

Board of County Commissioner
Meagher County, Montana

Nancy Schleppe
Nancy Schleppe Chairman

Ben Hurwitz
Ben Hurwitz Vice Chairman

Herb Townsend
Herb Townsend Commissioner

Replacement of Courthouse Backdoor

Ogle raised the issue of the backdoor on the courthouse. She explained that locksmith Bill Blanchard had told her it would be more cost effective just to replace the entire door as opposed to custom ordering a new lock. They discussed using Paul Kroeger, who had met with the commissioners the previous week about become the County's contract handyman. As he charges \$50 an hour, it was decided to ask recently-hired boiler man, Marc Pryor, if he would do the job. They also discussed replacing the windows in the Clerk of the Court's office as well as the Treasurer's office. Ogle informed the commissioners that the Building Fund still has \$17,000 remaining for the fiscal year. It was agreed to bid both sets of windows and to replace what they could this fiscal year, and if necessary, replace the remaining windows in the following year.

Safety Coordinator

Schleppe then mentioned that County School Superintendent, Helen Hanson, had volunteered to be the new Safety Coordinator.

Public Comment:

Fire Department Dump Truck

Fire Chief Seidlitz returned to the meeting to inform the commissioners that he has \$3000 left in his budget he can use to paint the dump truck. Schlepp reminded him he was worried about a bad fire season and told him they should wait till May to make any decisions. Townsend added that, even with a new paint job, it would take a lot more money till the truck was usable. He suggested they wait till they have enough money to do the entire job at one time. Seidlitz countered that he will not receive the money all at once. Seidlitz then pointed out that he could make up whatever shortfall there might be in the budget by triaging homes against wildfire. It was agreed to wait till May to make a decision.

Hospital District Board

John Dracon met with the commissioners to discuss some issues regarding the Mountainview Medical Center. Also present was Jason Phillips from the Meagher County News. First, he handed the commissioners a letter that John Potter had written to the State Attorney General requesting a legal opinion regarding the State's Open Meeting Law. He included the response from the Attorney General to his letter.

Next, he told the commissioners he was asking for clarification. He said there was a levy (8 mils) in force for 37 years that the commissioners had decided to stop at the recommendation of the hospital board. But he is unable, he continued, to find a resolution anywhere in the Commission's meeting minutes that would stop the assessment of the mils. He then handed the commissioners a letter that Clerk & Recorder Ogle had written to Mountainview Medical Center CEO, Aaron Rogers, regarding whether the hospital is obligated to receive the 8 mils that had been assessed for them. In the letter, he continued, it is implied that the hospital board has the ability either to impose or not impose a levy on taxpayers. In fact, the law refers to the County Commissioners as the governing body.

Mountainview Medical Center CEO, Aaron Rogers, and Mountainview Medical Center Board Member, Rick Seidlitz joined the meeting at 3:10pm.

Dracon said he was not addressing the 20 mils the hospital had refused to accept, but rather the 8 mils. There is no resolution in the minutes stopping the levy, he repeated. Townsend countered that the commissioners can do that in an overall budget resolution. Schlepp agreed, saying it was part of the overall budget resolution, and therefore a separate resolution was unnecessary. Dracon stated that he does not want the hospital board to think they have the authority to impose levies. Rogers clarified, stating that it was the hospital board's decision to decline the mils. It was the commissioners' decision whether to levy them or not. Dracon stated that he wanted the record to show that the hospital board cannot impose a levy.

Dracon then handed a copy of the Public Comment portion of the minutes from the April 19, 2011 Commission meeting, at which County Attorney, Kimberly Deschene, stated that after doing extensive research, she is certain that Mountainview Medical Center is subject to the State's open meeting laws. Schlepp countered that she also added that since there are no damages or victims, there is really no remedy short of litigation. Dracon exclaimed that this would go all the way to the State Supreme Court.

Dracon then addressed a letter from the Mountainview Medical Center to the taxpayers of Meagher County, in which they thank the taxpayers for their mill levy support through the years, which "has truly saved this hospital." He added that he is not concerned that the hospital board felt they do not need the mil money. He is concerned that they are unaware of what happened in the past. The Bair Foundation used to give the hospital \$300,000 a year. Since Cypress took over though, they have stopped. When that much is taken away, the hospital is lacking in resources, but its board does not seem to realize that.

Rogers countered that they have their financials audited every year. And their board reviews things monthly. When the previous administration left, he added, the hospital owed \$1.1 million to Medicare. Townsend interjected. He wondered why the commissioners are even involved in this discussion. If things are going fine, he added, that is good. Schlepp agreed. Dracon asked them if they believed the real reason the hospital stopped taking tax money was because they were doing well financially. Townsend replied that if that is the reason, he is fine with things.

Seidlitz told Dracon that he would rather go back to the taxpayers later and ask for the levy back rather than continuing to receive it unnecessarily. He felt the taxpayers would approve of that approach.

Dracon then addressed an affidavit Rogers signed during a separate lawsuit. He gave the affidavit to the commissioners. He read from it, stating that on June 22 of 2011, Rogers stated in regards to the hospital board voting to stop accepting mills that it "was done with the specific purpose to address the interference caused by Petitioner's misleading articles." Rogers countered that the reason was that they do not need the money anymore. This was a contributing factor. And the affidavit was in regards to a lawsuit, which is why he did not mention the financial status of the hospital. He added that the hospital's board has been adamant against taking extra mills since he took the job. Schlepp stated she had no problem with that. Townsend then told Dracon that the open meeting laws will be decided in the courts. And whether the hospital takes tax money or not is not an issue. Dracon told him he wants this on the public record.

Schlepp then asked Dracon if he is doing this to further the lawsuit. Dracon did not answer. She asked again. He finally replied he is doing it because it is factual, that's all. The commissioners came to us and asked us to serve on the district board, he continued. They did not beg them to set up a district board. Rogers contended that Dracon's reluctance to answer Schlepp's question was telling.

Townsend stated that they asked the district board to be active. They were. They did their job. The commissioners appreciate the work they did. Everyone wants the hospital to succeed, he added. But Cypress should be discussed elsewhere. Seidlitz added that his understanding of the district board's job is to go over the money received from the County. That makes this discussion irrelevant, he added. The hospital board meetings will still be public, he continued. Just not for people causing problems. He added that he was recently diagnosed with cancer and this hospital saved his life. And now they are doing an unbelievable job taking care of his brother-in-law as well. Schlepp agreed, adding it's a great facility doing a great job.

Dracon countered that they have run three providers out of there recently. Rogers pointed out to him that they have an MD, a PA, and an FNP now, all full-time. Dracon said that was great. He added that none of this would have happened if Jason (Phillips) had not been thrown out of the meeting. Schlepp reminded him that the matter is in a lawsuit and does not need to be discussed.

Townsend added that all of this is opinion. The commissioners do not need to respond to someone's opinion, as everyone has them. He told Dracon they appreciate his concern. Dracon countered that he felt the commissioners should pass a resolution. Townsend told him they take this very seriously. Schlepp agreed. Rogers added that the hospital's board does as well.

Dracon got up to leave and then approached Rogers. He nudged him on the shoulder and told him to sue him if he defamed him. He repeated it. Rogers suggested to him that he take his hand off of him. He then told Dracon that in order to sue for defamation, he has to be able to prove damages. Dracon and Phillips left.

Claims:

Commission was presented Voucher #1261, CK#43888 through CK#43930 totaling \$34,438.93. Commission approved and signed checks as presented. Check #43862 for \$2528.51 made out to MACo was voided, as it should have been two checks made out to separate vendors.

Meeting Adjourned:

Vice Chair Hurwitz adjourned the meeting at 3:40pm.

Next Meeting:

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

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

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

Tuesday
April 17, 2012
9:00am-2:35pm
Met in Commissioner's Chambers

Meeting Called to Order:

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

Commissioners Present:

Chair Nancy Schlepp and Vice Chair Ben Hurwitz.

Employee Meeting—Safety/Health Insurance:

Meagher County employees met with the commissioners to discuss safety issues and health insurance. Present were: Clerk & Recorder, Dayna Ogle; Deputy Clerk & Recorder, Christy Rogers; Justice of the Peace, Jerry Churchill; County Attorney, Kimberly Deschene; County Health Nurse, Kari Jo Kiff; Tobacco Prevention Specialist, Aaron Blair; Kiff's assistants, Cynthia Stuhlberg and Lorna Fox; Fire Chief/DES Director, Rick Seidlitz; Road Supervisor, Bruce Smith; Road Foreman, Tim Collins; Road Crew Employees, Nick Lester and Jim Gregory; Librarian, Debbie Benedict; Dispatchers, Carrie Sibley, Jodi Zehntner and Laura Taylor; and Deputy Sheriffs, Nick Rauser and Shane Sereday.

Safety

Schlepp told the group that Meagher County has a new Safety Coordinator. County Superintendent, Helen Hanson, has agreed to take over that role. Schlepp explained the importance of following up with the online training modules that are sent to employees, and doing so within the week they are received. Meagher County pays the highest Worker's Comp rates in the State. The County could conceivably lower its Worker's Comp premiums by \$15,000 by following the safety plan and significantly reducing the amount of its claims.

Health Insurance

Deputy Clerk & Recorder Rogers explained the timeframe for the search for a new health insurance plan. Requests for Proposals (RFP) have been sent to two companies, and one might be sent to MACo as well. By May 15, they should have the actual proposals back and on May 22 the commissioners will review them a final time and make a decision. She told the group that she has asked representatives from each department to sit on a committee that would provide input in the selection process. And of course, all are welcome to sit in on the meetings when insurance is discussed.

Chair Schlepp left the Commission meeting at 9:25 due to a family emergency.

Aaron Blair—Tobacco Prevention Update:

Tobacco Prevention Specialist, Aaron Blair, met with the commissioners to give them an update on his activities. Joining him were Alicia Austin and Jasmine Deal, students and members of the ReACT (Respond and Educate Against Corporate Tobacco) Program. Deal began by telling Hurwitz about the recent Kick Butts Day, which was held at the school. There were many tables set up for students of all ages. Elementary kids were able to color and make paper airplanes. Blair told Hurwitz other groups participated as well. Deal mentioned they would be making a presentation that night at the school board meeting. Blair added that they would have a sign at the Labor Day Rodeo again this year.

Hurwitz asked how many kids are involved in ReACT. Deal told him 29-30 were involved, out of 70 total students in junior and senior high. Blair added that combined they have done nearly 300 hours of community service. Recently they cleaned the Senior Center bus. Blair told Hurwitz they had considered the idea of placing smoking receptacles around the grounds of the Red Ants Pants Music Festival this year, maybe using buckets with the students' artwork on them. Hurwitz

complimented the girls and the good work they have been doing. Austin and Deal left at 10:15am.

Hurwitz asked Blair whether there was still talk of boycotting the Roadhouse. Blair replied that there was not, not through the Smoking Coalition. Hurwitz told Blair that Lori (Lamberson, Roadhouse owner) is not letting people smoke anymore and does not want to pay any more fines. Blair responded that the best scenario is to help local businesses come into compliance in a positive, proactive way. Hurwitz reminded Blair of his own stance, that Blair is not a cop. Blair said he is working with Health Nurse Kiff to formulate a policy to handle future violations. Blair concluded by telling Hurwitz that the Lane Bar's new owners are working hard to come into compliance, and Lamberson is working hard too.

Jennifer Madgic and Maia Aageson—Senator Tester Representatives

Jennifer Madgic and Maia Aageson, from Senator Tester's office, met with Hurwitz to give him a legislative update. Madgic began by mentioning the Forest Service receiving \$2 million last week to continue its Tenderfoot land acquisition program. Hurwitz shared his concerns about the program, contending the Forest Service has enough difficulty maintaining the lands it already owns. There are 300,000 acres of Forest Service land in Meagher County, he pointed out, but only one person who sprays the weeds. Hurwitz added that he was concerned that all the goodwill created by this program would be lost with the Forest Service trampling on the Zehntners, trying to force the issue of the gate across the road near his property. The Zehntners have been wonderful neighbors for fifty years, he said. Very community oriented, very generous, never refusing access to fishermen, campers, floaters. It all went to hell though when the Forest Service sued him. Hurwitz asked Madgic to talk to Bob Dennee at the Forest Service to see if there was anything that could be done to settle the issue. Madgic agreed to do that.

Madgic then mentioned Secure Rural Schools funding. Tester supports it, she said, and the Senate has approved it. It is being held up in the House. Hurwitz stressed how vital it was to Meagher County to receive that money, with 300,000 acres owned by the federal government that could otherwise be generating tax revenue.

They briefly discussed the upcoming Red Ants Pants Music Festival. Aageson asked Hurwitz if there were any agricultural issues she could take back to the Senator. Hurwitz said his biggest issue, personally, was the Bush tax bill that allows people to gift up to \$5 million without any gift taxes. He shared his experience of being able to pass his family ranch on to his son thanks to this bill. He argued that it is the only way ranchers can stay on their land and pass their ranches on to children or other family members. He told Aageson that Tester cannot let that go away. Aageson then mentioned that they are trying to get the Farm Bill out of committee. Hurwitz shared his dislike for the bill, arguing that ag prices are higher than ever now. Subsidies just are not needed. Aageson told Hurwitz that Tester's priority is to protect farms when times are not good.

Kimberly Deschene—County Attorney Update/Policy Handbook Issues:

County Attorney Deschene met with Hurwitz and Clerk & Recorder Ogle to discuss some possible changes to the Personnel Policy Handbook. She first addressed the Probationary Period, suggesting it should be listed by months instead of hours, and department heads should be able to extend it as well. It was agreed to consider that. Next she asked about Nepotism, saying the County should get rid of the policy since they are not following it. Ogle pointed out that because of the size of Meagher County, it is an exception to the rule.

She raised the issue of Performance Evaluations. She said the County has to be consistent. If it is going to do them, do them. If not, don't. But it has to be across the board. Hurwitz said that based on the reading he has done, performance evaluations are bad, as department heads generally only focus on the good and not on the bad. Ogle stressed the importance of dealing with issues as they arise. It was agreed to consider removing the entire section. Deschene said that the separation letter is crucial, that it has to contain every reason for the separation.

Next, she discussed the Disciplinary Action section, stating that it is much better to have a very broad, general policy without listing "sins." The current policy gives employees a foothold to use in a wrongful dismissal suit. Ogle pointed out that the current policy includes "possible discharge" as a consequence to any of the sins in each of the three levels. Deschene said she would write up something to consider at the next meeting.

Deschene then mentioned the Recruitment section, arguing the importance of having a policy that will actually be followed. Then she mentioned that if any department head does fire an employee, they need to contact her right away. It should be done verbally. The employee should be handed a copy of the Grievance Procedure. And the department head should follow up with a separation letter only if requested by the employee. Hurwitz agreed that anything the County can do to limit the potential for litigation is a plus.

TV District/Public TV:

Tim McGuire, Chair of the White Sulphur Springs TV District, and B.J. Hawkins, Director of Meagher County Public TV, met with Hurwitz to discuss various issues. Also present was Chuck Hawkins. Hurwitz said he wanted to discuss budgets with them. Hawkins said she would not have solid numbers till after the fourth quarter but things were looking good. There will be no digital conversions next year, which will help. After the recent upgrade to digital though, the converter, which was running at 5 watts is now running at 30 watts, which will increase the power bill. And with the new equipment, insurance costs will certainly rise. But she is hopeful that her budget would be able to decline next year.

McGuire said he will refurbish the antenna, but that is the only extraordinary need. He generally has only three costs: a retainer for a technician, insurance, and power. Hurwitz asked him if somebody can do his job if he becomes ill. He said there is a technician from Billings he has on retainer who can come over if needed, but McGuire does most of the work himself. He said he would talk to Clerk & Recorder Ogle for help working up a budget.

McGuire told Hurwitz he has received lots of positive feedback on the new stations. Hurwitz was pleased and said more people would leave Dish then. McGuire said he knows of 12 who have recently left Dish. Hawkins added that as the population ages, more people will struggle financially and will not be able to afford Dish anymore.

Hawkins told Hurwitz that one reason for the surplus they have accumulated is they did not know what was coming in the future. Plus, disaster can strike at any time. McGuire said he will be getting the \$60,000 it cost for the digital conversion reimbursed. So the conversion really did not cost a thing except for administrative costs. He added that he might need to upgrade the cooling system as well.

Dayna Ogle—Clerk & Recorder Update:

Clerk & Recorder Ogle met with Hurwitz to give an update. First, she handed Hurwitz an application for administrative grant funds the Conservation District was applying for. He duly signed.

Then she told Hurwitz that the floating mill for the following fiscal year has a 1.2% inflation factor, which means that the authorized floating mill levy is \$900,739. From that number, she suggested to Hurwitz, it would be possible to start working backwards and begin the budget process. Hurwitz agreed that that was a good idea.

Minutes:

The minutes from the previous meeting (April 10, 2012) were not acted upon as there was no quorum.

Public Comment:

There was no public comment.

Claims:

Commission was presented Voucher #1262, CK#43931 through CK#43947 totaling \$11,546.79. Commission approved and signed checks as presented.

Meeting Adjourned:

Vice Chair Hurwitz adjourned the meeting at 2:35pm.

Next Meeting:

Commissioners are scheduled to meet Tuesday, May 1, 2012.

CLERK & RECORDER

CHAIRMAN

SEAL

VICE-CHAIRMAN

COMMISSIONER

Note: Minutes taken by Assistant to the Clerk & Recorder, Nathan Sanders
Distributed May 1, 2012 to Chairman Schlepp, Commissioner Hurwitz, Commissioner Townsend, and Clerk & Recorder Ogle