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# Montana Association of Counties

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## DISTRICTS 10 & 11 MEETING MINUTES

Thompson Falls, MT – Sanders County Courthouse

August 23, 2016

### District 10

Flathead  
 Lake  
 Lincoln  
 Sanders

### District 11

Mineral  
 Missoula  
 Ravalli

**MACo Staff:** Harold Blattie, Executive Director; Sheryl Wood, Associate Director; and Shantil Siaperas, Legislative Analyst & Communications Specialist

**MACo President & Officers:** Todd Devlin, Prairie County, MACo 1<sup>st</sup> Vice President; Bill Barron, Lake County Commissioner, MACo 2<sup>nd</sup> Vice President; Carol Brooker, Sanders County Commissioner, MACo Past President (2002-2003 & 2003-2004)

**Guests:** Chad Campbell, Senator Tester's Office; John Fuller, Congressman Zinke's Office; Kyle Schmauch, Senator Daines' Office

### Pledge to Flag

**Roll Call & Introductions:** Tony Cox, Sanders County, welcomed everyone, called the meeting to order, and conducted roll call.

**Approval of Previous Meeting Minutes:** May 18, 2016 Minutes

- MOTION: Bill Barron moved to accept the minutes. Laurie Johnston, Mineral County, seconded the motion. Motion carried unanimously.

### District Chair/Vice Chair Elections

- District 10
  - No elections until 2017
- District 11
  - Chair
    - Jeff Burrows, Ravalli County, was nominated for Chair during the May 2016 Spring District Meeting.
    - NOMINATION: Jean Curtiss, Missoula County, moved to elect the Cola Rowley, Missoula County, as Chair.
    - ELECTION: A ballot was cast. Commissioner Burrows was elected Chair for District 11.
  - Vice Chair
    - Laurie Johnston was nominated for Vice Chair during the May 2016 Spring District Meeting. With no further nominations; Commissioner Johnston was elected Vice Chair of District 11 via acclamation.

**Next MACo Districts 10 & 11 Meeting:** June 2017

- District 11 will host the next meeting: Ravalli County—Hamilton.

**MACo Officer Nominations:** 2<sup>nd</sup> Vice President & Fiscal Officer

Harold Blattie announced that Laura Obert, Broadwater County, was nominated as MACo 2<sup>nd</sup> Vice President, and Mike McGinley, Beaverhead County, was nominated as MACo Fiscal Officer, at the Spring District Meetings.

- 2<sup>nd</sup> Vice President
  - NOMINATION: Jean Curtiss nominated Commissioner Obert for MACo 2<sup>nd</sup> Vice President.
- No further nominations for MACo 2<sup>nd</sup> Vice President or Fiscal Officer

**MACo Updates from MACo Staff:** Harold Blattie, Sheryl Wood, and Shantil Siaperas

- Resolutions Committee Conference Call: September 6<sup>th</sup> at 1 p.m.
  - Will assign resolutions to committees for review at the Annual Conference
  - At the Annual Conference, the committees will make recommendations to the membership on the resolutions as well as make proposed changes to their policy statements; the membership will then vote on the resolutions and policy statements
  - Resolutions that pass will become legislation for the 2017 Legislative Session (occasionally we get a “call-to-action” resolution, which doesn’t become a bill; it simply calls on MACo to take a specific action)
- MACo Annual Survey: Need your input on how we are doing and what we can do better to better service you
- Committee Appointments—Biographies for Requesting Committee Appointments: Helps MACo President make appointments and helps us with the Directory of County Officials; Committees help set policy at state and national level
- Annual Conference in Billings at the Billings Hotel & Convention Center
  - Not much time for workshops, as this is a legislative year, so resolutions and committee meetings are taking up much of the time
  - Urge you to be in attendance for the Multi-Bank Securities presentation during the General Session
    - Investment Advisor: See what market is truly doing; let your Treasurer see what securities are really selling for
    - The program is endorsed by MACo and NACo
  - Committees: Meeting regarding resolutions and policy statements
  - 2020 Census: Baseline work is being done now
  - Board of Investments Shares Changes/Updates to BOI’s, INTERCAP, Short Term Investment Pool (STIP), and In-State Loan Programs
  - Airports 101 for Civic Leaders
  - Mike Tooley, MT Department of Transportation: Fixing America’s Surface Transportation (FAST) Act
  - NACo: 1<sup>st</sup> Vice President, Brian Deloge, Florida & NACo Staff, Jacob Terrell, Associate Legislative Director, Telecommunications & Technology
  - Elections of MACo Officers
  - Board Meeting with New Board Members
- Staffing Changes
  - David Payne, Senior Claims Administrator, Property & Casualty Trust
  - Carol Glead, Claims Adjuster, Workers’ Compensation Trust
  - New Position: Wellness Coordinator for the Health Care Trust
  - New Position: Trust Operations Director—will take over the responsibility of the three risk sharing pools (mainly Harold Blattie’s responsibilities, so he can focus on legislative matters)
- Department of Labor Overtime Rule: Exempt employees must meet certain requirements and a salary threshold; check and make your exempt employees still meet requirements

**MACo President's & Officers' Report:**

- Todd Devlin, Prairie County, MACo 1<sup>st</sup> Vice President

- The Executive Committee is working hard on getting the Trust Operations Director position filled; currently doing interviews
- PILT, SRS, Federal Revenue Sharing: Affects many counties in the state; have to protect our tax base
- Participation in NACo is Important: Consider even your county helping you participate; well worth it; we are very respected
- Sexual Abuse in Families: MACo should start working with the state to find programs; preventative is the answer; will be working with MACo's Health & Human Services Committee to start the dialogue; stats say that 50% of females in America are sexually abused; costs are \$210K per victim
- Bill Barron, Lake County, MACo 2<sup>nd</sup> Vice President
  - NACo Annual Conference: Long Beach, CA
    - Tribal Relations Meeting: Jurisdiction discussion—talked about Salish Kootenai, Public Law 280
    - Current Administration (Presidential): Pushing to get as much public land to tribes as possible
    - Great Meetings; involvement is important

### **MACo Legislative Report:** Harold Blattie, Sheryl Wood, and Shantil Siaperas

- Legislative Calendar: The 2017 Session begins January 2<sup>nd</sup>
- Bill Draft Requests: 235 Placeholders as of August 19<sup>th</sup>; more to come
- Bill Draft Requests of Note:
  - LC006, Revise laws related to closure of certain coal-fired generation, Duane Ankney (R) SD 20
  - LC0012, Clarify county commission quorum requirements, Pat Connell (R) SD 43
  - LC0052, Create presumptive illness for firefighters, Pat Connell (R) SD 43
  - LC0116, Clarify that highway structures not subject to building code requirements, Brian Hoven (R) SD 13
  - LC0157, Allow corner crossing when moving from one public property to another, Tom Jacobson (D) HD 21
  - LC0196, Revise title insurance requirements in tax deed laws, Nels Swandal (R) SD 30
  - LC0207, Increase fine for gating a public road, Tom Jacobson (D) HD 21
- Energy & Telecommunications Interim Committee (ETIC)
  - Next Generation 9-1-1 Study; bill draft revised regarding the 9-1-1 fund distribution; the mechanism from the last draft was taken out and a new “status quo” model was inserted—so the funding and distribution will remain the same until the next census; the bill updates/modernizes the language in statute as well as proposes how to use the “stranded fund” dollars--\$5 million for completing the ESINet, \$350,000 for 9-1-1 Systems Plan, and \$80,000 for GIS Assessment; the rest of the money goes into the grant fund, where the providers have the priority and the 9-1-1 Advisory Council makes the final decisions on the projects that receive grants
  - Colstrip bill drafts/impact fee for shut down
- Judicial Redistricting Commission: Heard your comments and chose to make no recommendations to the Legislature; they have a soft recommendation of more judges in some places
- State Administration & Veterans' Affairs (SAVA) Interim Committee
  - Requested county websites have privacy policies; we have a draft model policy on the “resources” page of our website for counties to download; there won't be a committee bill on this issue
  - PERS/SRS: Actuarial reports will be out soon; we are having a meeting about the Sheriffs' Retirement System on September 16
    - SRS: 3.8% shortfall; 2% needed from employers; 2% needed from employees; MSPOA is going to their members with proposal of 1% employee and 3% county with a levy; there is no third-party funding source for this system (the other systems have third-party funding sources); there is a retention problem—those coming on aren't staying and getting vested, so that money goes back into MPERA for administration
- Children, Families, Health & Human Services (CFHHS) Interim Committee: Alzheimer's & Dementia Program; HB 130 grants proposing that you submit once not twice (right now it's annual)

- Law & Justice Interim Committee: Sexual assault; coming out with report from which we can work
- Education & Local Government (ELG) Interim Committee: Right-of-way on state trust lands—asked committee to do a study that would develop an inventory by perhaps providing some money to hire a consultant; maybe with gas tax?
- Revenue & Transportation Interim Committee (RTIC): Tax deed/lien study—last session we made a commitment that we’d look at the process; put together a Working Group and drafted a bill that cleans up the code and the process
- Water Policy Interim Committee (WPIC): Several bills, but only a couple of interest to counties
  - Defines exempt wells – have to be physically connected through pipes to be considered a single
  - Wells from the same aquifer are one well
  - Limits one exempt well per 40 acres
  - Developer may not be able to do exempt wells and may need to acquire a water right
- Economic Affairs Interim Committee (EAIC): Air ambulance services considered airlines under FAA—determines “air worthiness” (not a medical service)—can’t regulate; limited to certain areas; they offer memberships; balance billing—people filing medical bankruptcies
  - Bill Draft: Would require mediation between insurer and provider; we don’t like and neither does Blue Cross or MMIA
  - We think there needs to be a federal fix; took the notion to NACo—change airline regulation act, removing the air ambulance exemption
- Asbestos Advisory Committee: Federal Clean Air Act includes bridges in the definition of a structure; demolition of a “structure” requires an inspection; there currently is an exemption for wooden bridges but not concrete, as there can be naturally occurring asbestos in concrete
- Underground Utility Laws Working Group: Montana law is out of compliance with Federal Pipeline Safety Act, so the code needs to be amended to do a locate for underground utilities 48 hours before work is done; maintained authority for routine road grading
- Department of Agriculture: Pesticides bill being proposed regarding pesticide handling, labeling, and storage rules; we are monitoring this with Becky Kington (MT Weed Control Association)
- Montana Local Technical Assistance Program (LTAP): There has been talk about bringing the program into MACo, but \$100,000 isn’t adequate to fund it; Steven Jenkins in longer the Executive Director, so the position is being rewritten—appears as though the position is changing from training and education to research and grant writing
- Ballot Initiatives
  - CI-116, Montana Crime Victims’ Rights Initiative (Marsy’s Law), will be on ballot and likely pass
    - Looks like statute; gets into detail
    - Senator Kris Hansen wrote an opposition statement
    - County Attorneys will need more staff to comply with the notice requirements
    - MACo Board may be asked to participate in litigation if it passes
  - I-181, Brain Injury & Disease Initiative, will be on the ballot
  - I-176, Montana Drug Prohibition Initiative, will not make it on the ballot
  - I-182, Montana Medical Marijuana Initiative, will be on the ballot
- Federal Mineral Royalty Payments: Down by almost \$3 million
- PILT & SRS
  - PILT Lapsed: Fully funded appropriation in the both the House and Senate bills—\$480 million—bills have to be reconciled; if reauthorized, will be \$450 million pro-rated; NACo is optimistic
  - PILT Fly-in: Lesley Robinson, Phillips County Commissioner and Greg Chilcott, Ravalli County Commissioner
  - SRS Lapsed: Fall back to 25% payments (25% revenue generated; allocated to counties based on acres); look at February 2015 payment for amounts

**Resolutions:** Harold Blattie, Sheryl Wood, and Shantil Siaperas

- Recap of Current Proposed Resolutions

- Wilderness Characteristics Inventory: Todd Devlin, Prairie County—Passed at the 2015 Annual Conference; Letter to the Editor—concerns of continuing wilderness characteristic inventory—will not be a bill at the session—was just something to give consent during the interim
- MACo Committee Proposed Resolution
  - Immunization Record Disclosure: MACo Health & Human Services Committee – Difference between opt in and opt out (MT only has opt-in); Department brought last session; would like to bring with department this session
- MACo Staff Proposed Resolutions
  - MACo Omnibus
  - Uniform Process for the Disposal of Surplus County Real Property: Tax Lien Working Group—Mike Harris, Gallatin County, Staff Coordinator
  - Tax Liens/Deeds: Tax Lien Working Group Bill
  - Mail Ballots: Brought up by Districts 1, 2 & 3 (Gary Macdonald, Roosevelt County) We will be working with the Clerk & Recorders and Linda Stoll
  - Retirees as Independent Contractors
  - Sheriffs’ Retirement System
- Resolutions from Spring District Meetings
  - Resolution Concept: 76-6-309, Minor Subdivision Review – Gallatin County (District 9); agency “may not” hold a hearing
  - Authority to Place Change of Form of Government on the Ballot by Ordinance – Lewis & Clark County (District 8); in HB 84 the language for a county commission to even put an amended form of government got stricken; this will give new authority and restore old authority (Contact: Susan Good Geise)
  - Resolution Concept: Utility Relocation Right-of-Way – Carbon County (District 7); Need to visit with MT Contractors’ Association
  - Taxation on Trust Lands: Lake County (District 10); Make counties whole again (Contact: Bill Barron)
- Resolutions Collected from Summer District Meetings Thus Far
  - Resolution Concept: Support Biocontrol of Noxious Weeds – Hill County (District 4); isn’t a legislative resolution; will likely go to Agriculture Committee for input on writing letters (Contact: Mark Peterson)
- Introduction of New Proposed Resolutions
  - Concepts/Possible Policy Statements from Missoula County (District 11)
    - Library: State aid, 22-1-327 sunsets
    - Define raw milk
    - Special needs in public education
    - Public lands management, not transfer
    - Drones authority and fines
    - Designate “common buckthorn” as noxious weed
- Other Legislative Possibilities
  - Noxious Weed Trust Fund: Money hasn’t increased in years—need an additional \$1 million for grants; MACo working with MWCA; we were asked to get a general idea of which option is best for the upcoming legislative session:
    - Increase the General Fund Diversion: Currently 1.5% goes to trust fund; propose increase by 0.5%, so 2% would go into the fund
    - Registration Fee: Increase motor vehicle licensing fee & then increase amount from General Fund
    - New Weed Fee on License Plates: Attach an earmark fee to motor vehicles; will likely be opposed by the Treasurers’ Association (MACo has also historically opposed this type of legislation; also, HB 124 (2001) removed all earmarks and figured out percentages, of which 1.5% was decided upon for the weed trust fund

- Districts 10 & 11 don't really like any of the options; thoughts are that the second option (increase in licensing fee) has the best chance of passing
- Water Conservancy District: No way to dissolve the district; Lincoln County went to District Court, and the judge ordered it dissolved
- Conservation Districts, Rate of Assessment: Repeal MCA 76-15-517; in contradiction to MCA 15-10-420; DNRC proposing to fix
- Hard Rock Mining Payments: Extend sunset, as it sunsets in 2019
- Harmonize MCA 7-4-2106 and MCA 7-4-2206: In 2013 we took out the timeframe and put in hard dates; an amendment was added in committee that unintentionally put in a one-day vacancy gap
- Soil Conservation District: District is placing an ordinance on the ballot regarding bison relocation; however, MACo attorneys believe they don't have legal authority to do so; will not be covered by MACo PCT
- Junk Vehicle Capital Reserve Account: Recent DEQ notice – Spend the money in FY 2017 or send it back to the state; possible legislation to allow counties the authority to have a fund (cannot currently put grant money into a capital improvement fund); trying to get a meeting set up with DEQ for early September
- Economic Development Programs Funding: 2015 retirement legislation changed the sunset date from 2019 to 2016; the money is still there; changes where it comes from (General Fund); checking to see if the programs will be losing money
- Separate County Legal Advertising from County Printing: Times have changed; counties no longer need to outsource printing (it's done in house)
- Bidding Threshold: Harmonize statutes

#### **Other District Business**

- No other district business.

#### **Meeting Adjourned**