



Montana Association of Counties

Serving Montana Counties Since 1909

2715 SKYWAY DRIVE, SUITE A, HELENA, MT 59602

(406) 449-4360 Fax (406) 442-5238

www.mtcounties.org

BOARD OF DIRECTORS

Wednesday, June 24, 2015

8:30 A.M.

MACo Conference Room

Helena, MT

MINUTES

1. **Call to Order – Roll Call:** President Schulz called the meeting to order and led the Pledge of Allegiance. Roll call was taken.
2. **Executive Director Performance Evaluation Report:** President Schulz informed the Board that the Executive Committee met and reviewed the Executive Director's performance. President Schulz reported that it was a the consensus that Harold is appreciated and respected by counties and other organizations, at the capitol, and nationally by other state president's and execs. His knowledge, abilities, and manner of communication are invaluable to Montana and MACo. Commissioners Reno, Davey, McGinley and Devlin concurred with the President's comments.

President Schulz reported that the Executive Committee is recommending a 5% salary increase for the upcoming fiscal year, based on data regarding the Executive Director's salary and responsibilities compared to other state associations. President Schulz requested Board approval from the Board for the adjustment.

Commissioner Ostlund moved and Commissioner Malone seconded to approve the increase in the Executive Director's salary. Motion carried unanimously.

3. **Approval of the Minutes:** Commissioner Chilcott moved and Commissioner Rice seconded to approve the minutes of February 9, 2015 as presented. Motion carried unanimously.
4. **Finance Report:** MACo Finance Director Johnson reviewed the MACo financial statements as of April 30, 2015, and provided a review of the capital assets for FY 15. Discussion was held regarding how the reimbursement was determine for General Counsel services.
5. **NACo Agreements:**
 - a. **eConnectDirect Sponsor Agreement:** Director Blattie reported that NACo Financial Services Corporation has endorsed eConnect Direct, a company that will assist county Treasurers in managing their investments. He noted that the NACo CFO has been utilizing the services to monitor investments, broker payments and exchange prices.

By approving the Sponsor Agreement, MACo would receive a sponsorship fee of \$500 per participating county. Director Blattie requested approval to execute the Agreement.

Commissioner Wortman moved and Commissioner Mullen seconded to approve the Sponsor Agreement with NACo and eConnectDirect, and authorize the Executive Director to execute the document. Motion carried unanimously.
 - b. **NACo Discount Prescription Drug Card Program:** Director Blattie informed the Board that the Associations current marketing agreement for the NACo Discount Prescription Drug Card expires June 30, 2015.

NACo has negotiated with CVS/Caremark to also provide a dental and medical discount program. Under this program, counties would sell the cards for \$6.95, and may be used at any network provider in the Caremark network.

Commissioner Barron asked if residents entered into a one year contract when they purchased the cards. Director Blattie contacted NACo and confirmed that it is an optional month to month program.

Director Blattie noted that he is working to clarify whether the program needs to be registered with the Montana Insurance Commissioner. Director Blattie recommended execution of the Agreement, pending approval by the Insurance Commissioner. If the Insurance Commissioner does not approve, the agreement would be limited to the discount prescription program only.

Commissioner McGinley moved and Commissioner Wortman seconded to approve the renewal of the NACo Discount Prescription Drug Card Program Marketing Agreement, including the Health and Dental Program, contingent upon Insurance Commissioner approval, and authorizing the Executive Director to execute the necessary documents. Motion carried unanimous.

6. **NACo County Leadership Institute Report:** MACo 2nd Vice President Todd Devlin reported that he spent 3 ½ days in Washington, DC at the Institute, and it was like 1 ½ semesters at Harvard. The Institute taught him there's a difference between authority and leadership, and that sometimes a leader's job is to get the stakeholders together at the table and then step aside.

President Schulz and 1st Vice President Davey spoke regarding their experience at the leadership institute. Discussion was held regarding having attendees present a more in-depth discussion during a workshop at the conference.

7. **NACo Committee Appointments:** President Schulz reported that as part of his duties, he is to identify individuals to represent MACo at the national level. Following a review of the current appointments, he determined that MACo has excellent representation at the National level, and reappointed the sitting nominees. 1st Vice President Devlin noted that his county has paid his travel, and asked that if anyone is interested in serving at NACo, they should talk to their county leadership regarding funding. Second Vice President Davey noted that since MACo has 100% participation in NACo, we are awarded an additional seat on the NACo Board of Directors.

8. **Policy Amendments:**

- a. **NACo Committee and Board Appointments and Travel Costs:** Director Blattie reported that the policy was updated to reflect the situation for a MACo member running for a MACo Officer position. The amendment clarifies the President is to be notified in advance of the budgeting process if financial assistance from the Association will be requested.

Commissioner Ostlund moved and Commissioner Chilcott seconded to approve the MACo Policy on NACo Committee and Board Appointments and Travel Costs policy as amended. Motion carried unanimously.

- b. **MACo/NACo/Trustee Travel Expense Reimbursement Policy:** Director Blattie reported that the Policy amendment would include members in NACo leadership positions, and also includes language requiring members to submit claims for reimbursement no more than 45 days after travel or reimbursements will be forfeited. Due to our new accrual accounting system, it is necessary for claims to be presented for payment in a timely fashion.

Discussion was held regarding per diem rates. Director Blattie reviewed the legislative history of attempts to change the rates, without success.

Commissioner Mullen moved and Commissioner Malone seconded to approve the MACo/NACo/Trustee Travel Expense Reimbursement Policy as amended to become effective July 1, 2015. Motion carried unanimously.

9. **District Meetings Report:** Director Blattie thanked everyone for their flexibility in scheduling the week-long tour. He reported the meetings went well but more time was needed for the legislative wrap up, so staff focused mainly on bills that passed.

He reported that Districts 3 and 10 will have new Chair's that will take office at the organizational Board meeting after the Annual Conference.

Most Districts have scheduled the location for the May 2016 meetings, and he asked all to be mindful that there needs to be cell phone and internet service for staff at meeting locations.

Discussion was held regarding the provision of HB 2 regarding jail costs, and the amounts the state will pay. This could be a violation of the contracts in place, and conflicts with the law that states how the reasonable rates for jails are to be calculated.

It was noted this language applies to Department of Corrections only, and not Fish, Wildlife and Parks or Highway Patrol. It only affects those individuals who have been sentenced and not transferred, or probation or parole violations.

Gallatin County Sheriff Brian Gootkin reported that their county is working with their County Attorney on this issue. They will be billing separately for medical, dental, mental health and transport. Sheriff Gootkin agreed to contact other Sheriff's to determine how to move forward on the new requirement.

Director Blattie also added than when counties determine the reasonable costs of confinement, they cannot include capital costs, but depreciation costs may be included and are part of the worksheet.

Commissioner Prinkki recommended that MACo and MSPOA consider a coordinated effort to address the legislation that breaches the county contracts with the Department of Corrections on how daily rates are established.

Sheriff Gootkin will visit with the Gallatin and Yellowstone County Attorneys to develop a course of action and will report back to the Board with the decision.

10. **MACo Officer Nominations:** Harold Blattie, MACo Executive Director reported that Lake County Commissioner Bill Barron had been nominated for MACo 2nd Vice President at all of the District Meetings. There were no other nominations. The Fiscal Officer position is in the first year of their two year term, so nominations are not open for that position.

11. **Forest Management – Letter to Congress:** President Schulz reported that he had testified at a Congressional Hearing in Washington, DC regarding forest health. NACo has issued a letter to Congress regarding inactivity in forest management and the desire for a more proactive strategy. President Schulz requested that MACo get involved and send a letter of support to Congress, the Governor, and the Forest Chief, and distribute to legislators.

He also reported that DNRC will be forming a working group to have a bigger voice in the issue, and he has been asked to appoint two people to the group. He has designated one appointment as John Prinkki, Carbon County, and is considering Carol Brooker, Sanders County or Greg

Chilcott, Ravalli County. He noted Ms. Brooker is at the national Forest meeting, and he would visit with her about the appointment upon her return.

Commissioner Macdonald moved and Commissioner Mullen seconded to approve sending a letter to Congress, NACo, etc., regarding Forest Health and Management. Motion carried unanimously.

12. **DNRC MOU's:** Commissioner Ostlund reported that DNRC had changed the language in their MOU's regarding rehabilitation and restoration, and placed 100% of the responsibility on counties. He urged to exercise caution before signing the agreements, as counties are not responsible for rehabilitation/restoration. It was noted that the language is only contained in the agreements coming out of the Southern Land Office.

13. **Proposed Personnel Policy Amendments:** Associate Director Wood reported that with the completion of the MACo PCT Model Personnel Policy, the MACo policy was reviewed and updated. Also, the stand-alone automobile and computer use policies were incorporated into the document. Ms. Wood reviewed the proposed changes.

It was requested that Section 2.02 (2) regarding seat belt use be amended to include requiring passengers to wear seat belts. It was requested that Section 2.21(4) be amended regarding convictions affecting driving records in include bond forfeiture.

Discussion was held regarding the requirement to notify a supervisor of an injury covered under Worker's Compensation within 24 hours. State law was researched, and it was suggested the language under Section 5.09 regarding Workers Compensation be amended to state that injuries shall be reported per state law, and that employees are "encouraged" to report injuries within 24 hours.

Commissioner Macdonald moved and Commissioner Reno seconded to approve the MACo Staff Policies and Procedures Manual be approved as amended. Motion carried unanimously.

14. **FY 2016 Preliminary Budget:** Associate Director Wood reviewed the proposed FY 2016 preliminary budget, noting it would be finalized and adopted at the joint meeting being held later in the day.
15. **FY 2016 Membership Dues:** Per the MACo Bylaws, the Board was asked to adopt the FY 2016 Membership Dues, including a 1.6% cost of living adjustment, as recommended by the MACo Tax, Finance and Budget Committee. Commissioner McGinley, Chair of the Committee, noted it was easier to do small, incremental increases over time rather than have to do a large increase later.

Commissioner McGinley moved and Commissioner Mullen seconded to adopt the FY 2016 Membership Dues with a 1.6% COLA included. Motion carried unanimously.

16. **FTE Request – MACo Property & Casualty Trust:** Associate Director Wood reported that the MACo PCT has requested a new full-time employee position as an Office Coordinator in the Defense Services department. It was noted that the costs associated with the position would be charged back to the Trust. Commissioner Reno moved and Commissioner Prinkki seconded to approve an additional FTE position for Defense Services. Motion carried unanimously.

17. **Association Reports:**

- a. **Clerks of District Court:** Valerie Hornsveld expressed their Association's appreciation of MACo's support of their bill for the Clerk's of District Court and JP's salary bill.

Commissioner Wortman asked regarding MACo representatives on the District Court Study. President Schulz noted that he would be serving on the Committee.

It was requested that Gallatin County Clerk of Court Jennifer Brandon be added to the mailing list as a representative to the MACo Board,

- b. **Magistrates:** Linda Budeski also thanked MACo for their support of the salary bill.
- c. **Sheriff's and Peace Officers:** Sheriff Gootkin reported that they are glad the session is over. He added that a meeting has been set with MPERA and MACo to discuss the Sheriff's Retirement System and funding.
- d. **Superintendents of Schools:** Susan Beley reported that their Association will be meeting at the end of September in Missoula. She added that they worked during the Legislative Session on the controversial testing and standards system, but it has gotten worse since the test site crashed.


Commissioner Buxbaum commented that they have a situation with their Community College, as to how the mill levy is set and by whom (Board of Regents, Superintendent, etc.), and they may request an Attorney General's opinion for clarification.

18. Other Discussion Topics/Information:

- a. **Member Workshops:** Director Blattie reported that MACo would be presenting a number of workshops from July 27 – 31, in Helena at the MACo office. The topics will be open cut mining, road law, budget, commissioner office administration and personnel.
- b. **HB 123 – Minutes of Closed Meetings:** Commissioner Ostlund asked for clarification regarding the requirement of minutes being kept for closed meetings. Director Blattie reported that the minutes must be kept, but cannot be opened without a court order. He advised that the discussion should take place during the closed meeting, but the action (decision) be taken in an open meeting. Brian Hopkins, MACo General Counsel, advised that the minutes be kept in a sealed envelope in the County Attorney's office. Mr. Hopkins advised he would issue a memo on the issue to Commissioners, Clerk and Records and County Attorneys.
- c. **Commissioners and Sheriffs:** Commissioner Barron reported that he had attended a meeting with MSPOA recently, and it seems that Commissioners and Sheriff's don't have a clear understanding of each other's roles. He suggested a workshop be held to provide an opportunity for Commissioners and Sheriffs to discuss budgets, operations, expectations, etc.
- d. **Public Health:** Commissioner Seilstad reported that Judith Basin County recently had an issue with Avian Flu, but Fergus County was not notified by the Department of Livestock until days later. Commissioner Seilstad requested a workshop at the Annual Conference to provide protocols for who should be notified, by whom and when.
- e. **Wild Lands Initiative Executive Order:** Commissioner Devlin reported that there is a wild lands characteristics inventory being conducted, and that areas under five (5) acres are described as not being managed as wilderness. He added he had filed a complaint with FLITMA, and asked others to do the same. Director Blattie reported he would send Commissioner Devlin's complaint out to the membership.
- f. **Annual Conference and Next Meetings:** Associate Director Wood reported the next Board of Directors meetings would be held September 20 & 24, during the Annual Conference in Missoula.

There being no further business, the meeting adjourned at 11:55 a.m.

Approved this 20th day of September, 2015.



Dave Schulz, President



Harold Blattie, Executive Director

Executive Committee

- Dave Schulz, President
- Maureen Davey, 1st Vice President
- Todd Devlin, 2nd Vice President
- Joe Briggs, Immed. Past President
- Mike McGinley, Fiscal Officer
- Jim Reno, Urban Representative

Past President's

- Greg Chilcott
- John Ostlund
- Carl Seilstad
- John Prinkki
- Bill Kennedy
- Carol Brooker
- Bob Mullen

District Chairs

- Gary Macdonald, District #1
- Doug Buxbaum, District #2
- Doug Martens, District #3
- Larry Hendrickson, District #4
- Ron Ostberg, District #5
- Richard Moe, District #6
- Susie Mosness, District #7
- Leonard Wortman, District #8
- Marty Malone, District #9
- Bill Barron, District #10
- Jeff Burrows, District #11
- Tom Rice, District #12

Association Representatives

- Leo Gallagher, County Attorneys
- Bret Rutherford, Clerk and Recorders
- Connie Mattfield, Clerks of Court
- Valerie Hornsveld, Clerks of Court
- Vacant, Coroners
- Linda Budeski, Magistrates
- Brian Gootkin, Sheriffs & Peace Officers
- Jane Stene, Treasurers
- Susan Beley, School Superintendents

Others present: Harold Blattie, MACo Executive Director; Sheryl Wood, MACo Associate Director; Brian Hopkins, MACo General Counsel; Kathy Johnson, MACo Finance Director; Sara McGowan, MACo Accounting Technician; Mike Murray, Commissioner, Lewis & Clark County.