



Montana Association of Counties

Serving Montana Counties Since 1909

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BOARD OF DIRECTORS

Thursday, June 23, 2016

8:00 A.M.

MACo Conference Room

Helena, MT

MINUTES

1. Call to Order – Roll Call: President Davey called the meeting to order and led the Pledge of Allegiance. Roll call and introductions were conducted.

2. Executive Director Performance Evaluation Report: President Davey reported that the Executive Committee met and unanimously decided to retain the current Executive Director. The Executive Committee had also provided a salary adjustment for FY 17. The Board unanimously concurred with the Executive Committee. Director Blattie thanked the Board for their support.

3. Approval of the Minutes: Commissioner Malone moved and Commissioner Ostlund seconded to approve the minutes of February 1, 2016 as presented. Motion carried unanimously.

4. Finance Report: Finance Director Johnson presented the financial statements as of April 30, 2016. Director Blattie noted that in 2001, MACo implemented a dues assessment due to a negative cash balance. In contrast, the financials now show that MACo is in a very good financial position, due to continual higher than anticipated revenues, and consistent under spending of budget authority.

5. FY 2017 Membership Dues: Associate Director Wood reported that per the bylaws, the Board may implement a dues increase up to the annual COLA amount. The Tax, Finance and Budget Committee recommendation to the Board is to adopt the FY 2017 Member Dues Schedule which includes the .1% COLA increase.

Director Blattie noted the history is to adopt the annual cost of living adjustments, rather than be faced with the need to implement a dues assessment later. He also noted that over 50% of the counties' tier schedules changed due to the change in their taxable valuation based on the recent reappraisal.

Commissioner Briggs moved and Commissioner Reno seconded to approve the FY 2017 Membership Dues schedule with the .1% COLA and tier level adjustments applied. Motion carried unanimously.

6. FY 2017 Preliminary Base Budget: Associate Director Wood reviewed the FY 2017 preliminary base budget.

7. Supplemental Requests: Associate Director Wood reported that the supplemental request was for funding to contract with a consultant to review EEOC and/or discrimination complaints received from staff. This would allow an independent third-party review of the facts. The full amount of the contract funds is \$10,000, which is split between MACo and the three Trusts based on FTE allocations. The MACo portion is \$1,110. Commissioner Ostlund moved and Commissioner Reno

seconded to approve the supplemental budget request of \$1,110 for contracting with and EEOC/Discrimination Complaint Officer. Motion carried unanimously.

8. FY 2017 Board Designated Funds: Associate Director Wood reviewed the requested adjustments to Board Designated Funds. The request was for \$11,625 to be designated which was comprised of a reduction of \$825 to auto reserves and an additional \$12,500 to succession planning. Commissioner Reno moved and Commissioner Cox seconded to approve the request for FY 2017 Board Designated Funds as presented. Motion carried unanimously.

9. FTE Requests: Associate Director Wood reported that the MACo Bylaws require the MACo Board of Directors approve additional FTE positions. It was noted that the costs for these positions will be reimbursed to MACo from the Trusts.

- The MACo PCT has requested one FTE on a contingency basis, to replace the $\frac{3}{4}$ time contract attorney if they are elected District Court Judge. If the contract attorney is not elected, they will return to working for us and the position will not be filled.
- The MACo HCT has requested one FTE as a Wellness Coordinator, to assist in establishing and assisting with the implementation of wellness programs in member counties.

Commissioner Briggs moved and Commissioner McGinley seconded to authorize the addition of two FTE positions as presented. Motion carried unanimously.

10. Proposed Personnel Policy Amendments: General Counsel Hopkins reported that the proposed amendments to the Grievance and Discrimination/Harassment policies are being proposed as part of a settlement agreement on a grievance/discrimination complaint.

- **Section 2.26: Employee Grievance Procedure:** This proposed amendment would clarify that harassment/discrimination/bullying complaints would be outsourced to the contracted EEOC/HR Consultant. This would remove the investigation responsibility from the General Counsel, who may be perceived as biased due serving on the Executive Management Team. This would also establish a clear process if a grievance is against the Executive or Associate Director, or the General Counsel. Counsel Hopkins also proposed inclusion of the language that no MACo employee may be a member of a grievance panel.
- **Section 2.09: Reporting/Investigation of Harassment, Discrimination or Bullying:** The proposed amendment would clarify the investigation of the complaint being outsourced the contracted EEOC/HR consultant.

Commissioner Briggs moved and Commissioner Ostberg seconded to accept the amendments to Section 2.09 regarding the Reporting/Investigation of Harassment, Discrimination or Bullying, and to refer Section 2.26 amendments back to staff for their recommendations.

Extensive discussion was held regarding the makeup of the Grievance Committee, the proposals as part of the settlement agreement, and what the proposed changes would fix. It was noted that currently, an employee can file both a grievance and a discrimination complaint as they are currently written. It was requested by staff that the Board approve the first paragraph of Section 2.26 as amended, to clarify they are separate issues and cannot be filed jointly.

Commissioner Chilcott proposed a friendly amendment to retain the proposed amendment of the first paragraph of section 2.26, and have staff come back with recommendations on the balance of the Grievance Policy. Commissioners Briggs and Commissioner Ostberg accepted the friendly amendment. The vote was called and the amended motion passed unanimously.

Commissioner Malone moved and Commissioner Ostlund seconded to approve the MACo Staff Policies and Procedures Manual as amended. Motion carried unanimously.

11. Staffing/Operations Report: Associate Director Wood reported that there are a number of vacancies that they are working on filling. The vacancies include a MACo PCT Adjuster, a MACo WCT Adjuster, and the Trust Operations Director. Director Blattie noted that outside PCT adjusters are being used during the staff shortage situation. Director Blattie also reported that the PCT and WCT has undergone an overall programmatic review of the claims department operations, and is working on implementing changes including claims handling guidelines to ensure better service to the membership.

12. NACo County Leadership Institute Report: First Vice President Bill Barron reported that this was a very good opportunity for training. The training is very in-depth and helps individuals take a deeper look at themselves and their leadership styles. Commissioner Barron also noted that the national contacts made were invaluable, and encouraged others to attend if they can.

13. District Meetings Report: Director Blattie reviewed the District Meeting Report, noting Broadwater County Commissioner Laura Obert had been nominated for MACo 2nd Vice President, and Beaverhead County Commissioner Mike McGinley had been nominated for fiscal officer.

Director Blattie reviewed the resolutions introduced, including reinstating the Commissioner's authority to place a change of form of government on the ballot, language regarding holding public hearings on minor subdivisions and reimbursements to counties for newly purchased tribal land placed in trust and becoming exempt from property taxes.

Discussion was held regarding bringing back the mail ballot bill, and it was noted that a resolution to carry the bill is anticipated being brought forward at the August district meetings.

14. 2017 Primary Election Report: Director Blattie reviewed the list of Commissioners who were not running, and those who had lost their primary elections. Following corrections, 14 Commissioners were retiring/not running, and 7 had lost their primary elections.

15. Proposed Bylaw Amendment: President Davey reported that per her President's acceptance speech, she is proposing a Bylaw Amendment to allow eligible elected officials serving on the Board of Directors to have a vote, noting a vote is a voice. She noted this would not allow an elected official other than a Commissioner to serve as an officer or district chair. President Davey requested the Board approve the proposed Bylaw amendment be forwarded to the membership for their consideration at the Annual Meeting.

Following discussion, Commissioner Lee moved and Commissioner McGinley seconded to approve sending the proposed Bylaw amendment, to allow eligible elected official representatives to be voting members on the MACo Board of Directors. Motion passed on a voice vote.

16. Association Reports:

- a. Magistrates:** Linda Cantin reported they are facing a number of District Judge retirements. Their Association will be holding training in April and September.

- b. Sheriff's and Peace Officers:** Brian Gootkin reported that MSPOA has hired Jessie Luther to work on their Sheriff's Retirement System funding shortfall, and they are planning a meeting with the Budget Director and MPERA staff. It was suggested that the Jail Advisory Group Coordinating Council duties be expanded to include the Sheriff's Retirement Issue.

Sheriff Gootin also reported on the concerns of the jail reimbursement cap place by the Board of Corrections due to a last minute amendment in HB 2; the concerns of the costs of implementing the requirements of the Marsy's Law ballot initiative if it passes; and longevity for deputies when they change departments.

- c. Superintendents of Schools:** Susan Beley reported their association is busy tracking the number of students, and deciding transportation routes. She also noted that Wheatland County is turning 100 years old, and they are working on tracking down all of the school superintendents. Discussion was also held regarding Secure Rural Schools funding and protested taxes.
- d. Treasurers:** Director Blattie reported that the Treasurers will be meeting in September, and having a presentation from Multi-Bank Securities on the investment program. He noted the MACo Board had approved endorsing the program last year, but there were issues with how it was set up. Those issues have been addressed and it is now ready to roll out to the Treasurers.

- 17. NACo Resolution regarding Air Ambulances:** Director Blattie reported that MACo will be submitting a resolution at NACo, regarding having air ambulances removed from the Airline Deregulation Act, and to have a study done on the impacts of the costs of Air Ambulances.

Some air ambulance services will not enter into provider agreements, and are balance billing county employees and the general public. He added the MACoHCT staff are very well versed on the issue, and will assist with writing a position paper. A number of states have passed legislation on this issue, but all have been overturned by the courts due to the Airline Deregulation Act.

Commissioner Ostlund moved and Commissioner Macdonald seconded to endorse MACo submitting a resolution to the National Association of Counties regarding air ambulance services. Motion carried unanimously.

- 18. Annual Conference & Next Meetings:** Director Blattie noted the next meetings of the Board of Directors will be held on September 18 & 22 in Billings during the Annual Conference.

Director Blattie also reviewed the issues he has been working on including the Asbestos Advisory Group, the FLAP Technical Advisory Group, the MDOT Highway Transportation Leadership Team, the Tax Lien Process Committee, as well as the Interim Committees.

There being no further business to come before the Board, the meeting was adjourned at 10:45 a.m.

Approved this 18th day of September, 2016.

Maureen Davey, MACo President

L. Harold Blattie, MACo Executive Director

Executive Committee

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

Past President's

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

District Chairs

- Gary Macdonald, District #1
- Doug Buxbaum, District #2
- Bob Lee, District #3
- Larry Hendrickson, District #4
- Ron Ostberg, District #5
- Richard Moe, District #6
- Susie Mosness, District #7
- Laura Obert, District #8
- Marty Malone, District #9
- Tony Cox, District #10
- Jeff Burrows, District #11
- Jim Hart, District #12

Association Representatives

- Leo Gallagher, County Attorneys
- Paula Jaconetty, Clerk and Recorders
- Valerie Hornsveld, Clerks of Court
- Jennifer Brandon, Clerks of Court
- Vacant, Coroners
- Linda Cantin, 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.