



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 20, 2018

8:00 A.M.

Helena, MT

MINUTES

1. **Pledge to the Flag - Call to Order – Roll Call:** President Barron called the meeting to order and led the Pledge to the Flag. Introductions and roll call were conducted.
2. **I-186:** Commissioner Davey reported that there is a rally in Butte today against I-186. If passed, the initiative would make it harder to open mines and would result in lost jobs and taxes.
3. **Minutes:** Commissioner Ostberg moved and Commissioner Lee seconded to approve the minutes of February 12, 2018 as presented. Motion carried unanimously.
4. **Finance Report:** Finance Director Johnson reviewed the financial statements as of April 30, 2018.
5. **FY 2019 Preliminary Budget:** Associate Director Wood reviewed the preliminary budget including anticipated revenues and projected expenses.
 - a. **FY 2019 Membership Dues:** Commissioner McGinley, Chair of the MACo Tax, Finance & Budget Committee reported that the committee had met and reviewed the dues proposal. In keeping with the history of implementing small increases over time rather than having to do a large assessment, the Committee recommends the Board adopt the FY 19 membership dues with a 2.1% CPI increase.

Commissioner McGinley moved and Commissioner Davey seconded to approve the FY 2019 membership dues with a 2.1% CPI increase.

Commissioner Seilstad questioned the need for the increase, noting that MACo consistently exceeds revenue projections and underspends budget authority, which has resulted in a positive equity balance. Commissioner Seilstad suggested the dues increase be considered every other year.

Discussion was held regarding the cash balance and the amount that may be needed to move into or build a new building. Commissioner White stated he agreed with Commissioner Seilstad and suggested that if a reserve to move to a new building was needed, that it be spelled out clearly.

Following discussion, the vote was taken and the motion carried with Commissioners Seilstad and White voting no.

b. Supplemental Budget Requests

- i. **Infrastructure Coalition Membership:** Associate Director Wood reported the Board had approved full \$5,000 membership to the Infrastructure Coalition in the last budget and asked if the Board would like to renew the membership at that level. Director Bryson spoke in favor of the request and added that the full membership provides MACo to fully participate in the policy decisions and provides a vote. The Coalition is currently undergoing a reorganization and nomination of officers. Director Bryson is hopeful that MACo will have an opportunity to serve on the Board. with the full membership.

Commissioner Macdonald moved and Commissioner Rice seconded to approve \$5,000 in the FY 19 budget for the full membership in the Infrastructure Coalition. Motion carried unanimously.

- ii. **Public Safety Loss Prevention Fund:** Associate Director Wood reported the Board had approved budgeting \$15,000 in FY 18 for the Jail Peer Review Program. The Board directed that the funds not be expended until a plan had been presented by the Jail Advisory Group (JAG) Coordinating Council. As no plan had been presented, the funds were not expended. Associate Director Wood requested that the budget authority be continued in FY 19 which would result in a total of \$45,000 dedicated to the Jail Peer Review program by MACo, PCT and WCT. Additionally, the PCT has dedicated \$35,000 towards the Jail Advisory Group (JAG). Staff is requesting that the JAG and peer review funds be combined into a Public Safety Loss Prevention Fund. Both the PCT and WCT Trusts approved the request in their preliminary budget meeting.

Commissioner Barron and Executive Director Bryson spoke in favor of the request. They relayed that numerous meetings had been held with the Sheriff's Association and they had come to an agreement that MSPOA would hire someone to do the reviews and the review results would be provided to the counties. No payments will be made until an invoice is received following the reviews. Commissioner Barron added that the invoice would detail in-kind services also. He noted that MACo's representatives had given a 3-year verbal commitment for this program and this will be year 2 of that commitment. Executive Director Bryson reported that a contract has been drafted and expects it to be finalized soon.

Commissioner Lee moved and Commissioner Macdonald seconded to approve \$15,000 in the MACo budget for the Public Safety Loss Prevention Fund. Motion carried unanimously.

- c. **FY 2019 Board Designated Funds:** Associate Director Wood requested the board designate \$2,548 for auto replacements. It was explained that MACo reserves \$7,500 per year per vehicle for replacement. As Executive Director Bryson had

purchased a new Honda Pilot using the reserves, the \$2,548 is the amount needed to bring the reserves to the \$7,500 annual level. Commissioner Hendrickson moved and Commissioner Ostberg seconded to approve designating \$2,548 for auto reserves for FY 19. Motion carried unanimously.

6. **MACo Health Care Trust Royalty Agreement:** MACo HCT Chair McGinley informed the Board that the Health Care Trust believes the royalty agreement is important to protect the value of their Trust. He added that the HCT is working in a far more competitive environment than the PCT and WCT. The Trustees of the HCT have approved the Royalty Agreement and to provide \$50,000 to MACo in FY 2018. Commissioner McGinley moved and Clerk and Recorder Baker seconded to approve the MACo HCT Royalty agreement.

Discussion was held regarding how the funds would be used. Executive Director Bryson noted that the Board could designate the funds to be used for a specific purpose, or they could be shown as additional revenue until a purpose can be defined. Additional discussion was held regarding the non-compete clause. Commissioner MacDonald expressed concerns regarding excluding vendors from conferences.

Following discussion, the vote was called and the motion carried with Commissioners Seilstad, Devlin and Macdonald voting no and Commissioner White abstaining.

7. **NACo County Leadership Institute Report** MACo 2nd VP Gorder thanked Director Bryson for making the arrangements and getting him into the program. The program had 25 attendees and 2 presenters. There were many hands-on scenarios where you worked with a member from another state or individually. Commissioner Gorder stated he brought back some useful tools and recommended that Executive Director Bryson attend the Institute.
8. **District Meetings Report:** Executive Director Bryson reviewed the August meeting schedule and noted that the meetings would now start at 11:00 a.m. with a working lunch to allow more time for travel between locations.
9. **Executive Director Report:** Executive Director Bryson reported that General Counsel Brian Hopkins has announced his retirement as of June 30. Mr. Hopkins reviewed his history working with and for MACo and his long-standing respect for the organization. Mr. Hopkins thanked Director Bryson for allowing him to work remotely and acknowledged the great work of Associate General Counsel McCarthy. The Board thanked Mr. Hopkins for his service.

Executive Director Bryson also reported that Doug Ardary has been hired as Sr. Loss Control Specialist. Mr. Ardary brings 20 years of experience in both the public and private sectors. Mr. Bryson announced that Jason Rittal has accepted the position of Deputy Director. Mr. Rittal will bring extensive experience in county government, economic development, oil and gas and the gas tax.

Executive Director Bryson reported that he will be reorganizing the management team and will be assigning duties based on skillsets. One of the first steps was to make Shantil Siaperas the Communications Director. While also being a key member of the lobbying team, Ms. Siaperas will also be re-designing the website and will be responsible for messages to members. Executive Director Bryson also reported that he has directed his management team to take a larger role in personnel and budget and financial management, and staff professional development.

Executive Director Bryson also reported that there will be at least 95 newly elected county officials following the primary election. There will undoubtedly be more following the general election. He is working with Dan Clark of the MSU Local Government Center to revamp the Elected Officials training to have a more generalized curriculum that will be pertinent for all elected officials. President Barron added there will be a new track regarding interaction between Commissioners and Sheriff's.

10. Staff Policy and Procedures Manual Amendments: Executive Director Bryson reviewed the Policy and Procedures Manual and noted it contains significant changes. Many of the changes are format related and edits to the narrative content. Some sections of note proposed to be modified include:

- a. **Introduction – Welcome Statement:** Informs employees that we have a great work environment and establishes the positive work environment as something we value. The balance of the changes are directly related to creating and maintaining a positive work environment.
- b. **Section 2.02 - Recruitment and Selection:** Modified slightly to ensure that the best selection process is used to select the best candidate. Final selection rests with the Executive Director.
- c. **Section 2.10 – Hours of business:** Redefined to allow for a general discussion about the expectations of exempt and non-exempt employees and how to record time.
- d. **Section 2.12 - Compensable Time:** A new section that defines “compensable time” as regular work, traveling for work, and compulsory event attendance.
- e. **Section 2.15 - Travel and Expense Reimbursement.** Implements a new travel policy using the General Services Administration per diem rate and is now consistent with the Travel Policy. Both the policy and manual allow for exceptions to the limitations for marketing, member service, and lobbying activities.
- f. **Section 2.16 – Credit Card Use:** Reinforces expectations for credit card use for legitimate business-related purposes.
- g. **Article III – Employee Leave:** Section 3.01 deals with employee leave, and the recommendation is to front-load annual and sick leave at the beginning of the fiscal

year. Accruals will continue to be based on years of employment, but the accrual rate will be determined by service credits for the current year. A provision requiring medical certification for return to work when out for extended medical leave has been added. There will be a pro-rate payment for the advanced accrual in the event an employee leaves during the year. The “Banked Holiday” section has been removed, and the policy now required payment for non-exempt employees required to work on a holiday. If an exempt employee chooses to work on a holiday (with permission), there is no longer an extra leave bank. The amendments also change to 80-hour pay periods instead of 40-hour work weeks. Maternity Leave has is changed to parental leave. The Flexible Spending Account and Retirement Benefit sections have been removed. They are still benefits, but do not belong in a policies and procedures manual.

- h. Article IV, Employee Conduct.** The amendments reinforce the notion that MACo is a member service organization and to take care of the members, staff need to act professionally among themselves. Disruptive and unprofessional behavior will not be tolerated.

It was noted that the proposed amendments regarding the Introduction and Welcome Statement did not get incorporated into the draft presented but would be included in the final.

Board members asked if this had been through a legal review. They were informed that both General Counsel and Defense Counsel had reviewed the proposals and offered comments, as well as Department Heads and staff.

Discussion was held regarding increasing the daily per-diem to the GSA and the possible impact on the budget. Staff reported that the staff travel budget is never fully expended so there should be minimal budget impact if any.

Commissioner McGinley moved and Commissioner Hunthausen seconded to approve and adopt the MACo Staff Personnel and Policy Manual as amended, effective July 1, 2018. Motion carried unanimously.

Following discussion, Commissioner McGinley moved and Commissioner Hunthausen seconded to approve the MACo Staff Personnel Policies and Procedures Manual as amended. Motion carried unanimously.

- 11. MACo/NACo/Trustee Committee and Board Member Travel Expense Reimbursement Policy:** Following a brief discussion that members travel per diems should be paid at the same rate as staff, Commissioner Hunthausen moved and Clerk & Recorder Baker seconded to amend the MACo/NACo/Trustee Board and Committee travel policy to mirror the MACo Staff Policies and Procedures Manual language regarding using the using the General Services Administration per diem rate for travel reimbursements. Motion carried unanimously.

12. Association Reports:

- a. **County Attorneys:** Leo Gallagher reported their association will have a significant number of pieces of legislation in the upcoming session, and look forward to working with MACo during the session. Their proposed legislation may include amending the diversion plan language, where if an individual pleads guilty and is diverted for substance abuse treatment, the charges can be dismissed if successfully completing the diversion program. Additionally, they will be looking to amend the “Justice Reinvestment” bills from the last session, as they shifted significant costs away from the state and onto the county. Additionally, they will be looking to re-establish the language regarding persistent felony offenders, to be able to deal with chronic DUI’s and to reinstate the mandatory 25 years for child abuse. Another issue is they will be trying to double the current victim/witness fee to be able to provide more assistance through the program.
- b. **Clerk and Recordors:** Ruth Baker reported that the 3-party ballot caused some confusion for the voters in the recent primary election. She also reported that they have been working with Executive Director Bryson regarding MACo providing lobbying services for their Association, and believe they have come to an agreement. Regina Plettenburg noted that they will be doing small, incremental dues increases to help cover the costs, and asks Commissioners to understand when they are asked for additional budget authority to pay the dues. She also added the Secretary of State’s office is not providing as much election assistance as has been in the past, so the election officials need to lean on each other for guidance and advice.

Discussion was held regarding mail ballots, polling places and costs and the impacts of redistricting on polling places, difficulty obtaining election judges and postage costs to return unvoted ballots.

- c. **Clerks of District Court:** Valerie Hornsveld reported that they have hired a lobbyist and look forward to working with MACo during the session. They held their convention in June, and there were no legislative resolutions. They are currently sending out the new juror questionnaires for the upcoming year.
- d. **Magistrates:** Linda Cantin reported that they recently held their spring training. There are lots of new judges, mainly city judges, and there will be at least 10 new Justices of the Peace following the elections. She added they have made an offer to a lobbyist the position for the next session. They also are hoping to see changes to HB 133 passed in the last session, as it does not allow arrests for theft or bad checks. Their Certification training will be held in December at Fairmont.
- e. **Superintendents of Schools:** Susan Beley reported that they have been notified that due to state budget cuts, the state’s reimbursements to the transportation fund will be reduced, and asked Commissioners to work with their Superintendents on the funding issue.

13. Other Discussion Items:

- a. **PILT Celebration:** Executive Director Bryson announced that Ryan Zinke, Director of the U.S. Department of Interior, will be in Billings on June 26 and will be presenting a check to the people of Montana with the PILT payment amounts that were recently reauthorized. He urged Commissioners from surrounding counties to attend, and reported that MACo will be distributing more information as it becomes available.
- b. **White House Invitation:** Executive Director Eric Bryson reported that Commissioners should be receiving personalized invitations to a special meeting and tour at the White House on July 19. He noted that other State Associations have had this experience, and found it to be worth the time and travel. Members will be provided a White House Tour, and will meet with the President's Cabinet leaders, Chief Policy Staff, Secretaries and possibly the Vice President and/or President. Mr. Bryson added that MACo will not be paying any travel for attendance but will assist in finding a hotel for members to stay at that is close the Capitol. He reminded all that attendees will need to go through the necessary security checks.
- c. **PILT Working Group:** Commissioner Todd Devlin, chair of the PILT Working Group, reported that it looks like SRS is going away. There is no way to make it up with PILT due to the population counts. While SRS is not tied to population, PILT is. There is a recommendation to do a strategic payment per acre for 10 years, and then analyze the distribution. He will continue to report on the issue as new information becomes available

There being no further business to come before the Board, the meeting adjourned at 11:06 a.m.

Approved this 16th day of September 2018.

Bill Barron, MACo President

Eric Bryson, MACo Executive Director

Executive Committee

- Bill Barron, President
- Jim Hart, 1st Vice President
- Shane Gorder, 2nd Vice President
- Todd Devlin, Immed. Past President
- Mike McGinley, Fiscal Officer
- Andy Hunthausen, Urban Representative

Past Presidents

- Maureen Davey
- Joe Briggs
- Greg Chilcott
- John Ostlund
- Carl Seilstad
- Carol Brooker
- Bob Mullen

District Chairs

- Gary Macdonald, District #1
- Janet Wolff, District #2
- Bob Lee, District #3
- Larry Hendrickson, District #4
- Ron Ostberg, District #5
- Nicole Borner, District #6
- Bill Wallace, District #7
- Susan Good Geise, District #8
- Steve White, District #9
- Tony Cox, District #10
- Jeff Burrows, District #11
- Tom Rice, District #12

Association Representatives

- Leo Gallagher, County Attorneys
- Ruth Baker, Clerk & Recorders
- Elizabeth Ball, Clerks of Court
- Valerie Hornsveld, Clerks of Court
- Vacant, Coroners
- Linda Cantin, Magistrates
- Brian Gootkin, Sheriffs & Peace Officers
- Sandy Christensen, Treasurers
- Susan Beley, School Superintendents

Others present: Eric Bryson, MACo Executive Director; Sheryl Wood, MACo Associate Director; Brian Hopkins, MACo General Counsel; McKenzie McCarthy, MACo Associate General Counsel; Kathy Johnson, MACo Finance Director; Sara McGowan, MACo Accounting Technician II; Jerry Spears, MACo Trust Operations Director; Shantil Siaperas, MACo Communications Director; David Payne, MACo PCT-WCT Claims Administrator; Jerry Collins, Garfield County Commissioner; Kevin Krausz and Jason Strauf, Custer County Commissioners; Regina Plettenberg, Ravalli County Clerk and Recorder.