DISTRICTS 1, 2 & 3 MEETING MINUTES
Miles City, MT – Town & Country Golf Club House
June 5, 2013

**District 1**
- Daniels
- Phillips
- Roosevelt
- Sheridan
- Valley

**District 2**
- Dawson
- Garfield
- McCona
- Prairie
- Richland
- Wibaux

**District 3**
- Carter
- Custer
- Fallon
- Powder River
- Rosebud
- Treasure

**MACo Staff:** Harold Blattie, Executive Director; Sheryl Wood, Associate Director; and Shantil Siaperas, Legislative Coordinator

**MACo President & Officers:** Connie Eissinger, McCona County Commissioner, MACo Immediate Past President

**Guests:** Wayne Noem, Montana Department of Transportation; Todd Yeager, Bureau of Land Management; Wally Congdon, Beaverhead County

**Pledge to Flag**

**Welcome & Introductions:** Richard Dunbar, Phillips County, welcomed everyone and called the meeting to order. Doug Buxbaum, Dawson County, conducted roll call.

**Approval of Previous Meeting Minutes:** August 22, 2012 Minutes
- **MOTION:** Gary MacDonald, Roosevelt County, moved to accept the August 22, 2012 minutes. David Richards, Powder River County, seconded the motion. Motion carried unanimously.

**District Chair/Vice Chair Elections:** Counties to break into their respective Districts over the lunch hour for elections.

**Next District Meeting Host:** May 2014
- District 2 to Host

**MACo Officer Nominations:** 2nd Vice President
Harold Blattie: Andy Hunthausen, Lewis & Clark County, was nominated at the Districts 8, 9 & 12 meeting, and John Prinkki, Carbon County, was nominated at the Districts 6 & 7 meeting.
- There were no further nominations from the Districts 1, 2 & 3 meeting.

**MACo FY 2014 Proposed Budget:** Harold Blattie & Sheryl Wood
- **Projected Revenues**
  o Higher than anticipated revenues
  o Advertising – Newsletter/Directory
  o Conferences & Workshops
  o Dues Income – Membership, PILT, Associate Member
  o Grant Income – No longer
o Health Care Trust Admin Fee – No longer
o MJPT Marketing Fees – Need to take out
o NACo – Caremark Prescription Discount Card, Inmate Medical Royalty, Nationwide Retirement Deferred Compensation, US Community Commissions
o Pooled Invest Fee – Health Care Trust, Joint Powers Authority, Joint Powers Insurance Authority
o Rent Income – Basement
o Scholarship Contributions – Raffles at conferences offset cost

- Cash Balance – Maintain 15% operating expenses
- Non-Dues Revenue
- Board Designated Funds
  o Termination Liability Reserves – will change
- Proposed Dues Schedule
  o COLA Increase – 2.1%
  o Tax, Budget & Finance Committee voted to recommend o increase dues 2.1%
    ▪ Consistent to actions over last 10 years
    ▪ Will be voted on by the Board of Directors at the June meeting
- Projected Budget
  o Auto Expense
  o Contracting Services: Commissioners, Clerk & Recorders and Treasurers Handbook
    ▪ Working with Local Government Center (LGC)
  o Convention & Workshop Expense: With vendors and sponsors we can keep registration at a minimum
  o Dues Expense
  o Education & Training Staff
  o Equipment Repairs & Purchase: Color Copier
  o Health Insurance: MACo pays 100% of employee portion of plan (Lewis & Clark County plan)
  o Insurance & Bonds: Fleet of vehicles – Quotes from new provider
  o Member & Committee Travel: Board and Committee meetings
  o Miscellaneous: Odds and ends, ie. credit card fees
  o NACo Conferences
  o Office Supplies
  o Payroll Expense
  o Printing: Cost of printing the MACo Directory and Counties on the Move (LGC)
  o Server System: Recently changed out system (DIS)
    ▪ New software and server: Includes offsite backup system
  o Staff Travel
  o Subscriptions: Code books, clipping service, Survey Monkey
  o Vehicle Purchase: Capitalize – Trade MACo’s Camry with Health Care Trust’s Toyota Rav4
  o Telephone Costs: Need system update
  o Building Remodel: Decks & chip seal parking lot
  o Looking to Underspend: $150,000 to the good
  o Board of Directors meet June 20 to adopt the budget: Questions should be directed to District Chairs, Harold Blattie, or Sheryl Wood

MACo Staff Report: Harold Blattie & Sheryl Wood
- Work Comp Rates: Trustees met and maintained the rates; volunteer fire fighters class code 7704 increase from $100 to $130
- JPIA Position Descriptions: There will be a set of models (72) to work with and a manual
  o Scheduled for completion last Friday (May 31)—currently figuring out distribution
- Personnel Policy Model Manual: Out of date—Asking the Trustees to allow CMS to update
- SRS, PILT, & Federal Mineral Royalty Payments and Sequestration
- Satellite Polling Places
- Rainbow Gathering: Rumor that it will be week before 4th of July in Beaverhead or Broadwater County

MACo
MACo President's & Officers' Report

Connie Eissinger, MACo Past President, McCona County Commissioner
- Encourage everyone to come to meetings
- MACo Annual Conference: September 22-26

NACo Update(s): Sheryl Wood gave the update, as MACo President, Greg Chilcott, and MACo 1st Vice President, Joe Briggs, could not be at the meeting.
- NACo Steering Committee Appointments
  - Montana influential at NACo: Quality representatives and very active in committees
    - Mike Murray, Lewis & Clark County will be chairing Public Lands Committee; Leslie Robinson is 1st Vice President in WIR; John Prinkki, Carbon County, has successfully changed NACo Energy Policy leading to successful legislation
  - MACo President makes appointments (10)—fill out applications and send to MACo
- MACo pays for 1 person on each steering committee; some counties pay as well—Oil Gas & Coal Counties, Reservation Counties, Forest Counties, etc.

Update: Harold Blattie
- Department of Transportation Order: Silver Airway June 1, 2013

Legislative Report: Harold Blattie, Sheryl Wood, Shantil Siaperas
- MACo Bills
  - HB 164, Revise when county commissioner district boundaries can be modified—Passed
  - HB 192, Revise laws related to mobile home transfer and taxes (Treasurers’ Bill) —Passed
  - HB 193, Authorize interim appointments of county elected officials—Passed
  - HB 194, Revise gasoline and vehicle fuel tax fund laws—Passed
  - HB 206, Increase justice court filing fees—Passed
  - HB 216, Revise laws related to distribution of overweight and oversize permit fees—Passed
  - HB 258, Revise local government laws related to public notice—Passed
  - HB 325, Revising legal holiday laws—Passed
  - HB 371, Revise county public auction laws—Passed
  - HB 510, Eliminate requirement for annual absentee forms—Passed
  - SB 72, Revise the livestock per-capita assessment date—Passed
  - SB 105, Revise interim zoning laws (talked about this before) —Passed
  - SB 116, Revise special fuel user permit laws—Passed
  - SB 132, Revise statutory dates related to filling mid-term county elected office—Passed
  - SB 161, Change the requirements for establishing a special speed zone—Passed
  - SB 234, Provisional permits for gravel pits—Passed
  - SB 239, Generally revise tax increment financing districts—Passed
  - SB 301, Revise noxious weed laws—Passed
  - SB 332, Generally revise open-cut laws—Passed
- Land Use Bills
  - SB 23, Revise interim zoning laws
    - Limits use of interim zoning and expands process to be followed to extend interim zoning
  - SB 24, Revise zoning laws for sand and gravel operations—Vetoed
  - SB 240, Revise taxation of pollution control equipment

MACo
- Adds timeline for holding meeting to submit subdivision application and if no meeting deemed submitted on date delivered; information pertaining to mitigation submitted by subdivider may not be considered new information
  - **SB 105,** Revise interim zoning laws
    - Our bill from last session—Vetoed by Governor Schweitzer—Vetoed by Governor Bullock this session—Not to return until we have a new Governor
    - John Ostlund talked with Montana Association of Planners’ Lobbyist before going into the hearing in the House to testify. Governor’s veto is almost verbatim what their written testimony was.
  - **HB 148,** Clarifying local government authority to regulate amateur radio operators
    - Precludes from using local zoning to get Ham radios of existence
  - **HB 169,** Allow growth policy to be used for coordination
    - Allows growth policy to be used as a resource management plan to establish coordinating or cooperating agency status with federal land management agency
  - **SB 146,** Generally revise subdivision review criteria laws regarding agency comment
    - Requires that if a federal, state, or local government submits written comment or an opinion regarding wildlife, habitat or the natural environment, the governmental entity shall provide the best available scientific evidence that supports the opinion; must disclose if government entity was involved in attempt to acquire interest in subdivision property
  - **SB 147,** Generally revise subdivision review criteria laws regarding agriculture—Vetoed
  - **HB 531,** Revise exemptions for certain divisions of land—Failed on Second Reading
  - **HB 246,** Revise conservation easement laws—Tabled, did not make it Transmittal
  - **HB 562,** Revise subdivision laws
    - Changes exemption for boundary adjustments outside subdivisions to clarify that if a resulting tract is less than 160 acres, it is not a subdivision tract that has to be reviewed as a subdivision
  - **SB 316,** Generally revise subdivision laws regarding encroachment onto private property
    - Addresses encroachment, water wells, and mixing zones within property being developed
  - **SB 324,** Generally revise the subdivision laws related to lease or rent requirements
    - Model of Resolution
    - Model Guidelines
    - Going forward: 5-lot, each lot can have additional building units
    - Want to hear about real problems/issues (not hypotheticals)
    - Not all counties enthused; Attempt to give Eastern Montana some latitude

- **Quasi MACo Bills**
  - **HB 38,** Transfer GIS duties to state library—Passed
  - **HB 47,** Revise certain county budgeting deadlines—Passed
  - **HB 575,** Generally revise 9-1-1 laws
    - Money unclaimed by providers—additional money coming into your PSAPs
  - **SB 99,** Revise laws related to motor vehicle insurance verification
  - **SB 386,** Revise volunteer firefighter benefit laws—DNRC won’t let the trucks be where the volunteers are not covered by work comp
    - Two ways: 1) If the district has a work comp policy, reimburse for that cost; 2) Designate as County Volunteer Fire Company, report them, and cover the premium
  - **HB 396,** Revise laws regarding translocation of wild buffalo/bison—Died
  - **SB 108,** Renew Montana charitable endowment tax credit—Passed

- **Administration Bills**
  - **HB 84,** Revise 72-hour presumptive eligibility requirements for crisis stabilization
    - Clarifies “evaluation” vs. “treatment”
  - **HB 252,** Revise notary public journal storage to secretary of state’s office
    - Notary journals—transferred to SOS Office by October 1 (SOS said they have room)
  - **SB 5,** Clarify authority of local governments to store electronic documents off-site—Passed
  - **SB 55,** Clarify coverage of routine costs for patients in approved clinical trials—Passed
MACo

- HB 226, Exempt computer professionals from overtime pay
  - Earns not less than $27.63/hour is exempt from overtime laws; compliant with Fair Labor Standards Act (FLSA)
- HB 245, Authorize counties to dedicate park land
  - Explicit authorization; before it wasn’t explicit
- HB 465, Increase certain county clerk fees
  - Plats and accompanying documents increased from $5 to $25 and $1 per page respectively (hadn’t been increased since 1865)
- HB 603, Generally revise privacy laws and location information of electronic devices
  - Must obtain search warrant prior to obtaining location information of an electronic device
- SB 271, Generally revise county sewer and water district laws
  - Method for dissolution of water and sewer districts
- HB 231, Revise local government compensation laws related to county sheriff deputies—Died in Standing Committee
  - We are going to convene the Council of County Officials over the interim to discuss salaries of elected officials
- HB 314, Revising special district laws
  - Tightened sideboards on special purpose districts, harder to create, easier to protest
- HB 346, Revise laws governing use of dyed fuels
- HB 451, Revise firewarden laws
  - Can appoint your own firewarden
- HB 526, Require a final notice from the county treasurer prior to issuance of a tax deed—Died in Standing Committee
- HB 558, Revise road laws related to aggregate stabilization—Died in Standing Committees
- HB 593, Revise DOR laws for calculating soil type and productivity values on range land—Passed
- SB 137, Revise local government laws relate to property environmental clean-up
  - Immunity from cleanup liability
- SB 144, Generally revise noxious weed trust fund laws
  - Cap on the amount of trust fund money that the Department of Agriculture can use for administration costs
- SB 284, Establish the property fairness act—Died in Standing Committee
- SB 290, Revise county zoning regarding notice of change of use—Passed
- SB 354, Revise laws related county historic rights-of-way—Died in Standing Committee
- SB 365, Revise laws related to use of chloride-based deicers on Montana roads—Died in Standing Committee
- HB 346, Revise laws governing use of dyed fuels—Died in Standing Committee

- Election-Related Bills
  - HB 220, Revise election laws for county commissioners
    - Keeps coming up—would make it near impossible for a rural person to get elected as commissioner
  - HB 349, Provide for state reimbursing counties for legislative referenda ballot costs—Died in Standing Committee
  - HB 120, Generally revise election laws
    - SOS housekeeping bill; brief implementation review at Clerk & Recorders Convention in August and EA certification workshop in 2014
  - HB 251, Revise date absentee ballots are available—Died in process
  - HB 296, Revise when ballots may be prepared for counting—Died in process
  - SB 140, Combine school and primary election dates—Died in Standing Committee
    - Interim study instead (SJR 14)
  - SB 405, Referendum to revise close of late voter registration
    - Would move the end of voter registration to 5 p.m. on the Friday preceding the Tuesday election, putting an end to same-day voter registration
  - SB 408, Referendum to provide top two primary in certain elections
Would create a “top two primary” system in which only the top two vote-getters would qualify for the November general election ballot

Break for Lunch

District Chair/Vice Chair Elections: District 1 Chair & Vice Chair and District 3 Chair (retiring), 2-year terms (Dist. 2 Elections Not Until 2014)
The Districts broke into their respective groups for elections and discussion.

- **District 1**
  - Re-elected Richard Dunbar as Chair: 1-year term and 1-year term as Vice Chair (2 years total)
  - Elected Gary MacDonald as Vice Chair: 1-year term and 1-year term as Vice Chair (2 years total)

- **District 2**
  - No elections required until 2014

- **District 3**
  - Elected Doug Martens, Rosebud County, as Chair: 2-year term
  - Elected Bob Lee as Vice Chair: 2-year term

Legislative Report (Continued)

- **Exempt Well-Related Bills**
  - Nothing passed—DNRC Rulemaking

- **Tax & Revenue-Related Bills**
  - HB 14, Bonding program
  - Calculates in veto of HB 218
  - HB 152, Provide deadlines for governing bodies to review tax exemption applications
  - 180 days
  - HB 589, Establish an oil and gas trust fund—Died in Standing Committee
  - HB 618, Revise tax lien, sale, and title provisions re primary residence tax delinquency—Died in Standing Committee
  - SB 56, Eliminate calculation errors of taxes, fees, and assessments to local government—Died in Process
  - SB 96, Lower the business and equipment tax—Passed

- **Maureen Connor** (former Granite County Commissioner) worked with MACo over the legislative session—RRGLs, TSEP, and House Bill 2
  - Grant Bills (HB 6, HB 7, HB 8, HB 9, HB 11, HB 13)
  - TSEP: All projects funded (extra General Fund money appropriated)
  - HB 2, General Appropriations Act
    - Statewide Voter Database—SOS will pay for it over the next two years, but we have to work with them to find alternative funding
    - Local Government Center—Need to find permanent, stable funding

- **Veto Overrides**
  - HB 218, Require Board of Oil and Gas to administer grant program for oil and gas impacts
    - Effort being tied to HB 12
    - As of May 31: House Members—42 voted for and 12 voted against; Senate Members—15 voted for and 4 voted against
    - June 10 is the deadline to get 2/3 of Legislature to vote for it

- **Mental Health and Law & Justice-Related Bills**
  - HB 43, Create jail suicide prevention program in DPHHS & HB 69, Create jail suicide prevention program in board of crime control
    - Sponsors got flipped; we worked with both to get down to one bill
  - HB 168, Revise DUI laws for THC—Passed

- **Medicaid-Related Bills**
  - No bills passed, but there were 2 big ones:
    - SB 395, Revise health care laws to expand Medicaid and improve health care delivery
HB 623, Generally revise laws related to health care and health insurance

- Pension-Related Bills
  - HB 91, Modify and expand public employee 457 deferred compensation program
    - Allows post-tax contributions to designated ROTH account for participants to the Deferred Compensation plan
  - HB 95, Require contributions on working retiree compensation
    - Requires employer contributions on working retiree compensation in PERS, SRS, and FURS
  - HB 97, Cap highest/final average compensation in MPERA retirement systems
    - Establishes 110% cap on compensation considered as part of a member’s highest or final average compensation (hired after July 1, 2013)
  - HB 105, Generally revise MPERA retirement system laws concerning plan administration
    - PERB’s housekeeping bill
  - HB 122, Ensure federal IRS qualification of MPERA retirement systems
    - Legislative changes required by the IRS in order to remain qualified retirement plans
  - SR 22, Confirm Governor’s appointees to public employee retirement board
    - Governor’s appointment to MPERB—Mike McGinley, Beaverhead County Commissioner
  - HB 454, Provide funding for PERS defined benefit plan, revise GABA (main pension bill)
    - Funding through natural resources (coal severance tax & coal tax permanent fund)
    - Employee contributions temporarily increased (1%—triggers to decrease if/when amortization drops below 25)
    - Employer contributions temporarily increased (1% as of July 1, 2013 then 0.1% per year over 10 years—triggers to terminate additional contribution if/when amortization drops below 25)
    - GABA revised for all members including current and future retirees (1.5% for all current and future retirees for each year PERS is funded at or above 90%; 0.1% for each 2% PERS is funded below 90%; GABA is 0% for all current and future retirees whenever PERS’ amortization period is 40 years or more)
    - DCRP allocation of employer contribution increases (1% increase in employer contributions is allocated to the Defined Retirement Plan Unfunded Actuarial Liability; the 0.1% annual additional increases are allocated first to the DCRP Plan Choice Rate, and then the DCRP long-term disability fund)

**Resource Management Plan (RMP):** Todd Devlin, Prairie County Commissioner; Todd Yeager, Bureau of Land Management; Wally Congdon, Beaverhead County

**Other District Business**
- Sage Grouse Counsel Report, Bob Lee, Rosebud County Commissioner
- Fire Grant, Doug Martens, Rosebud County Commissioner

**STIP & Secondary Roads:** Wayne Noem, Montana Department of Transportation
- STIP
- Planning/Programming Document
- MAP 21
- Secondary Roads
- Off-system Bridge Program

**Meeting Adjourned**