



Montana Association of Counties

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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
- McCone
- 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 Eissing, McCone 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
 - Higher than anticipated revenues
 - Advertising – Newsletter/Directory
 - Conferences & Workshops
 - Dues Income – Membership, PILT, Associate Member
 - Grant Income – No longer

- Health Care Trust Admin Fee – No longer
- MJPT Marketing Fees – Need to take out
- NACo – Caremark Prescription Discount Card, Inmate Medical Royalty, Nationwide Retirement Deferred Compensation, US Community Commissions
- Pooled Invest Fee – Health Care Trust, Joint Powers Authority, Joint Powers Insurance Authority
- Rent Income – Basement
- Scholarship Contributions – Raffles at conferences offset cost
- Cash Balance – Maintain 15% operating expenses
- Non-Dues Revenue
- Board Designated Funds
 - Termination Liability Reserves – will change
- Proposed Dues Schedule
 - COLA Increase – 2.1%
 - 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
 - Auto Expense
 - Contracting Services: *Commissioners, Clerk & Records and Treasurers Handbook*
 - Working with Local Government Center (LGC)
 - Convention & Workshop Expense: With vendors and sponsors we can keep registration at a minimum
 - Dues Expense
 - Education & Training Staff
 - Equipment Repairs & Purchase: Color Copier
 - Health Insurance: MACo pays 100% of employee portion of plan (Lewis & Clark County plan)
 - Insurance & Bonds: Fleet of vehicles – Quotes from new provider
 - Member & Committee Travel: Board and Committee meetings
 - Miscellaneous: Odds and ends, ie. credit card fees
 - NACo Conferences
 - Office Supplies
 - Payroll Expense
 - Printing: Cost of printing the MACo Directory and *Counties on the Move* (LGC)
 - Server System: Recently changed out system (DIS)
 - New software and server: Includes offsite backup system
 - Staff Travel
 - Subscriptions: Code books, clipping service, Survey Monkey
 - Vehicle Purchase: Capitalize – Trade MACo’s Camry with Health Care Trust’s Toyota Rav4
 - Telephone Costs: Need system update
 - Building Remodel: Decks & chip seal parking lot
 - Looking to Underspend: \$150,000 to the good
 - 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
 - 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

- State DES is gearing up to provide assistance
- Valuations North West Property Appraisals: Finding and measuring every building; even if the building isn't on the schedule, it's still insured. If you have a building you don't want insured, indicate it on the form
- Health Care Trust Workshop: Urge you or your staff to attend—Healthcare is changing dramatically for employers

MACo President's & Officers' Report

- Connie Eissinger, MACo Past President, McCone 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

- 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, 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

- 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 & Records 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