

## MACO DISTRICTS 4 AND 5 MEETING

August 19, 2008

Ag Center, Fort Benton, Montana

10:00 a.m.

Minutes

**PRESENT:** Joe Christians (Pondera Co.), Mike Waite (Congressman Denny Rehberg representative), Ken Evans (Chouteau Co.), Arnie Gettel (Teton Co.), Joe Delbert (Teton Co.), Dolores Plumage (Blaine Co.), Larry Hendrickson (Liberty Co.), Don K. Swenson (Blaine Co.), Michael Wendland (Hill Co.), Senator Jerry Black (SD14), Vic Miller (Blaine Co.), Cynthia Johnson (Pondera Co.), Sheryl Wood (MACo), Jim O'Hara (Chouteau Co.), Harvey Worrall (Chouteau Co.), Harold Blattie (MACo), Michael DesRosier (Glacier Co.), Lance Olson (Cascade Co.), Allan Underdal (Toole Co.), Peggy Beltrone (Cascade Co.), Mike Anderson (Hill Co.), Larry Hendrickson.

Chouteau County Commissioner Harvey Worrall called the meeting to order at 10:15 a.m. and welcomed everyone to Fort Benton.

**APPROVAL OF MINUTES:** Ken Evans moved to accept the previous minutes. Larry Hendrickson seconded. Motion carried.

### **RESOLUTIONS:**

Peggy Beltrone presented a draft letter regarding the State's permitting process for the Montana Alberta Tie Line (MATL). The letter strongly urged the upcoming legislators to speed up the permit process throughout the state concerning economic development in our counties. Jim O'Hara stated the MATL developers are only available during certain times and we need to act now. Alan Underdal spoke of the benefits and asked if other counties are in support. Joe Christians asked that statewide members be contacted for support. Peggy Beltrone discussed the Trans-Canada line and where it would go across the State. She noted if we didn't support the project, the system wouldn't have the proper permits in place by September of this year, and the line would begin in Wyoming, skipping Montana. She asked for a conceptual resolution to go forth to speed up the permitting process and be presented at the MACO convention. Alan Underdal moved to present Beltrone's letter, asking for the permit process to be redone with more timely results. Cynthia Johnson seconded. Motion carried. Joe Christians moved to allow the district chairmen to sign on behalf of each county in support of this issue. The motion was seconded and carried.

Vic Miller asked Harold Blattie if the September 8<sup>th</sup> meeting is the last meeting that resolutions committee will be meeting before convention. Harold responded yes, and it is best to have any resolutions to present before that meeting.

Peggy Beltrone requested a resolution concerning wind farms and the permitting process to be kept at the local county level and not have the State take over the permit process. Alan U. stated he felt the people want this decision to be made on a county level and asked if this was a permit question concerning tax reduction. Peggy B. felt this should be a conformance permit and stressed the importance of the local level involvement and to let our representatives know how the counties feel on this subject. Land use decisions shouldn't be at the State level and there needs to be a strong statement now to address this. Harold B. asked the members that if this becomes a zoning issue would the counties present be willing to rezone. Alan U. asked if this wasn't already covered under the individual county growth plans. Harold said no. Cindy J. asked if it could be done by county ordinance and Harold replied, no and that zoning is the only tool to use. Peggy B. wanted this addressed because Counties should be able to control their own county regulations, especially wind farm issues. Cindy J. said in order to protect the counties that have zoning in effect, those counties should forward their concerns to the resolution committee so that it can be discussed at the meeting. Harold told the members they should decide how they want this presented, either objectively or legally. Peggy B. said she would encourage everyone to present a broad statement to cover all counties and land use. Harold brought up the ongoing discussions in the news about bird and bat morality issues concerning wind

farms and that it is a FWP jurisdiction and that was a good place to keep it. He said the problem is vague and since the bat population covers a 1/3 of the planet then they aren't exactly endangered. Arnie G. quipped, "only the dumb ones get killed" adding levity to the discussion. Peggy asked for group support and for the counties without zoning to address the issue however they can. Lance O. supported Peggy B. as well as Cindy J., however she asked that the proposal be worded to include some type of statement that the counties and State would be in a working relationship on wind farm issues. She asked that other entities be included as well such as power companies, etc. Peggy stated that this was a rough draft and definitely would rework it before presented to the resolution committee. Senator Black remarked that if a delay in the State's permit system caused a denial on a wind farm there was always a District Court appeal process as an option. Peggy stated this proposal would not take authority away from the State, FWP or DNRC but retain the county authority in the decision. Senator Black replied that the developers are not going to spend millions on a wind farm plan to have the local authority say no and that should be considered on how this proposal is worded. Alan U. said that the county commissioners are usually the first ones talked to about development in their county and we should be ready for this type of project. Jim O. said he felt like the commissioners in each county have their fingers on the pulse of the economy and the culture of the respective counties. A motion was made by Lance O. to use of Peggy Beltrone's draft letter as a starting point and asked for support of all the members represented. Cindy Johnson seconded. Motion carried.

Peggy Beltrone reported to the members that Montana is the only state in the Denver region without an Environmental Finance Center. She would like to see one in the state and has researched what needs to be done to open a center. Colleges/Universities are usually the sites of the offices and she has contacted Montana State University and they would be willing to provide space to host the center. Peggy asked for MACo's support and asked Senator Baucus to present this legislation. She has spoken to rural watershed group and they agreed to help with this project and support it. She stated the state has \$29.5 million dollars available in grants to the regions and block grants would soon be available to help the small communities. Peggy moved to have MACo's full support of the new Environmental Finance Center housed at MSU. Cindy Johnson seconded. Motion carried.

Alan Underdal proposed a resolution to raise election cost funding from the Federal Government and State funding sources. New costs of all the changes, printing, media, distribution of ballots, etc. have caused stress on the local governments. The state says they are aware of the funding pressures on the local governments but they haven't done anything. Alan will write the resolution and Cindy J. said she would help. Alan moved to have a resolution asking for funding to cover increased costs for local government elections. Mike Anderson seconded. Motion carried.

Delores Plumage spoke about flood plain administration program problems and asked if there were a way for someone to be employed to follow costs that cover liability coverage's. She said it is challenging to find qualified people due to funding and liability issues. Third party coverage is expensive. Cindy asked if there isn't a Flood Plain Administrator available who should the county let handle their problem in case of flooding. Vic M. said since Katrina and the catastrophic problems it caused the whole US has been effected. DNRC is throwing their issues back to the local levels and small counties do not have the staff or resources to handle the problem. Cindy asked if FEMA would be responsible for costs. Vic M. stated he felt the commissioners of the county in question would be responsible and the problem is getting worse. Harold said this wasn't a MACo issue concerning coverage and the insurance trustees would have to provide coverage. Local governments are not in positions to cover catastrophic flooding. Cindy J. asked if there would be coverage under the subdivision act. Harold said no but zoning is optional but he wasn't aware of any open market coverage. Vic M. said he would investigate further and expressed his concerns that building in flood plain basins is shutting down and hurting farm operations. Peggy B. suggested that flood plain districts could be formed. Delores further suggested that a Flood Plain Administrator could be shared by the counties like sanitarians and planners are. Harold referred to Section 76-5-302, MCA.

Delores P. spoke of a situation she was in concerning being absent from her office over the acceptable days and questioned whether she had to forfeit her office. She suggested there be a change of wording or addition of wording to include "extreme illnesses" or emergency absences for elected officials with no limit on days. With proper permission there should be allowances for going over 60 days. Delores definitely would do what the law states but when there is a hardship to travel back to the county or inability to do so there should be some type of safety net so that one wouldn't lose their

job. Alan U. stated communication in most instances is enough to legitimize the situation. Vic M. commented that if the person in this type of situation kept constant contact with their county then there shouldn't be a problem and each county should have a contingency plan in place in case of this type of emergency. Delores moved to have conceptual resolution to provide exceptions to the statute for family and individual medical reasons to go over the allotted time. Mike DesRosier seconded. Motion carried.

Arnie G. spoke to the members about issues with DNRC buying farm land and suggested there be a cap put on the amount of acres a government entity can buy. Tax issues were addressed and it was the consensus that DNRC should have to pay taxes the same as a private individual. Alan U. spoke to the members in length on the tax issue. Cindy J. said there should be a resolution pertaining to no net gains being available to government entities that buy private farm lands. Harold B. stated that MACo had a resolution in place to address this. Arnie Gettel moved to create a conceptual resolution to require State entities to pay property taxes the same as individuals on private land sales. Alan Underdal seconded. Motion carried.

Sheryl Wood presented the members with 13 resolutions that MACO will present at upcoming convention. She stated all these resolutions as well as the new ones gleaned from the District meetings will be presented.

### **NOMINATIONS:**

Before nominations were opened Harold B. reported that John Ostlund, Yellowstone County, has been nominated by all five districts so far. Cindy Johnson moved to reaffirm John Ostlund. Joe Delbert seconded and motion was carried.

Harvey W. asked for nominations for Vice Chairman for District 4. Mike Wendland moved to elect Kathy Bisette. Mike DesRosier seconded. Motion carried.

Vic Miller moved to close elections. Larry Hendrickson seconded. Motion carried.

Harvey W. adjourned the meeting at 12:00 noon for lunch and reminded everyone that that media would be at the Chouteau County Courthouse front steps at 1:00 p.m. to hear comments on the MATL Line permit issue and the support of a new power line. Great Falls Tribune, River Press, KULR TV were present. The Expedition Pizza Parlor provided an excellent lunch for all the members.

Harvey Worrall called the meeting to order at 1:40p.m.

### **MACO STAFF REPORT:**

Harold Blattie reported the MACo JPA/JPIA Chief Counsel application process was now open.

He reported on the Supreme Court decision and its effect on the calculations of Sheriff's and Deputy's salaries throughout the state. The statute of limitations on wage claim is three years, and MACo recommends to catch that up now and avoid any fines or penalties that could be imposed if it was challenged.

The 2010 Annual Conference location is still in question as no one has asked to host it yet.

Four proposed by-law amendments are being discussed. 1. The Affiliate Associations that have non-voting members on the Board of Directors would be given voting status. 2. Eliminate the requirement that the Nominating Committee bring two names for each Executive Committee positions to the membership. 3. Budget/Finance Committee would have Tax added to the title to read: Tax, Budget & Finance Committee. 4. Amendments list and show latest revisions.

The Resolution Committee will meet on September 8, 2008.

District Court security grants of \$89+ thousand dollars are available and the Court Administrator's office will be handling this for distribution. This is only available to courts with needs for court security.

The Court Administrator's office has determined the need for additional judicial positions. In Cascade County, it will increase their positions to five judges, five clerks and five court reporters with one law clerk. If this law passes it will create issues for some of the few counties affected to find office space and court space.

Harold reported there was a bill being proposed by Senator Lewis to allow for the creation of a State Investment pool to local governments. Small counties are putting money into their accounts that

have caps on them. Harold stressed to the counties to put their money into "repurchase" accounts to make sure the money is guaranteed.

Harold reported that seven counties have not paid their dues and to check on this and be sure to get that done.

Harold asked the members if they liked the online registration for the upcoming MACO convention. The majority of the members did like it and commented as such.

Sheryl Wood reported the annual evaluation survey of MACo services will be to counties within the next two weeks.

She reported that the MACo Board has approved the budget. The insurance pools are going paperless and hope to be online by November 1<sup>st</sup> of 2008.

Sheryl told the members that any DES Coordinators with questions on funding for each county should talk to one another and the State Coordinator.

Sheryl talked about Yellowstone Co. and its issue with alcohol tax monies. No increases are expected and there is no support to have any new increases.

It was reported the Western Road Law meetings will be held in Miles City, MT on October 20, 2008.

Harold B. spoke of a bill being drafted to cover the access of rivers and streams off of road bridges. He referred to HB133 of 2005 concerning the fences around bridges and that they are not considered as encroachments.

Mike D. asked if we as a district should be included with FWP decision regarding access. Harold stated that SB78 addressed this and the landowners and FWP can negotiate if they want to. FWP would rather work with County Commissioners than with individual landowners and have a uniform decision.

Harold talked to the members about HB49, and that MACo has requested the bill providing for standardization of statutes regarding the abandonment and creation of special purpose districts.

Legislative Services has asked counties to update their obsolete statutes. Most of the counties have done this to date. SB195 (1999), HB124 (2001) and HB48 (2002) were discussed briefly and they all pertained to the intent to remove mil levy caps for county roads. 15-10-420MCA was discussed and how it covers tax limitations. There is a conflict in the law that states there is a cap of 1.5 mils for Conservation Districts. The basic intent is to remove all caps and this will be further discussed at Legislation. Harold asked the members for a conceptional resolution to seek Legislature to review 15-10-420MCA and amend it. Mike Anderson moved to have the resolution. Ken Evans seconded. Motion carried.

Sheryl W. reported there are 330 bill drafts currently in the works for the new Legislation. The Clerk and Recorders are taking the lead on issues of the election bills. MACo will do a resolution supporting the Clerks and Recorders. She discussed the concern of retirement bills and the issue of when retired people are rehired how their benefit packages are affected. HB133 from 2007 has an increase in employer PERS and SRS contributions for 2007 and 2009.

Sheryl stated that the Public Defenders will be reintroducing the bill requiring custodial interviews to be recorded. In other Law and Justice Committee issues, they would like to put into effect mandatory suicide plans and mandatory jail standards. MACo is not in favor of this due to the liability to the counties. The Law & Justice Committee is also reviewing the county pre-commitment issue and is looking at jail diversion programs and community based treatment, or lack of them. There is nothing for the people ending up in our jails and the counties should be prepared to offer some type of services on the community level.

Sheryl spoke of a proposed bill being introduced that would make counties liable for any and all medical expenses to anyone injured during the course of interaction with law enforcement, including preexisting and self inflicted injuries. If this were to become statute, this type of legislation could bankrupt a county. This proposed bill needs to be addressed immediately and everyone on should be present when it is heard in Committee. The hospitals and Hospital Association are pushing it and working very hard at persuading their representatives to support the bill. Cindy J. stressed to the members to show their support in killing this bill and write letters, send emails and show up in person to voice their concerns. Cindy addressed Senator Black and asked how important it is that the commissioners show up at the subcommittee meeting. He responded that is it very important that people show up in person at the meeting because it carries a lot of weight and the committee

understands the importance of the commissioner's actions. Cindy J. said she did not want the taxpayers to be burdened with medical expenses that aren't theirs. Senator Black again reiterated the importance of each commissioner to show up to make an impact statement with testimony and written protest on bills they want quashed. Personal appearances out weigh emails or letters because they are not always read in time. Sheryl said she would be sending a State wide alert this coming Friday (8/22) concerning the proposed bills being introduced on Sept.15, 2008.

Harold told the members to please read their emails when they receive them and that it is important to keep up with everything being sent to each commissioner.

Senator Black thanked Harvey Worrall for being invited to the meeting and he does attend most of the district meetings as it helps him keep close to the counties in his district and what concerns they have.

Mike Waite, representative of Dennis Rehberg's office said he would be moving back to the Great Falls office and will be our representative. Harvey W. welcomed Mike back to the area and praised his good work.

Vic Miller thanked Senator Black for his consistent attendance at all the meetings. Vic M. also acknowledged Harold Blattie and Sheryl Wood for all their hard work and their frustration on all the information they send that doesn't always get read. He stated it isn't easy to know the important emails from the not so important and wondered if there could be a colored code on them for levels of importance. He also agreed with Senator Black on the importance of personally attending legislation committee meetings.

Cindy J. said she would be attending the hearing in Helena on Aug. 28, 2008 and invited any members to attend with her. She would meet them in Great Falls and car pool. She stressed uniformity and participation as well.

Senator Black thanked Alan U. for always giving him rides to the meetings and for paying for the fuel to get there!

Harvey Worrall thanked the members for attending and thanked them for working with him during his years as county commissioner. He will be stepping down this December and said he would miss the camaraderie of everyone at the District meetings.

Harvey Worrall adjourned the meeting at 3:00 p.m.