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# Montana Association of Counties

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## DISTRICTS 4 & 5 MEETING MINUTES

Fort Benton, MT – Montana State Ag Museum

August 22, 2016

### District 4

Blaine  
 Chouteau  
 Hill  
 Liberty

### District 5

Cascade  
 Glacier  
 Pondera  
 Teton  
 Toole

**MACo Staff:** Harold Blattie, Executive Director; Sheryl Wood, Associate Director; and Shantil Siaperas, Legislative Analyst & Communications Specialist

**MACo President & Officers:** Todd Devlin, Prairie County, MACo 1<sup>st</sup> Vice President; Joe Briggs, Cascade County, MACo Past President (2013-2014)

**Guests:** Sandi Boardman, Blain County Clerk & Recorder; Christy Hagler, Congressman Zinke's Office; Alison Vergeront, Senator Daines' Office; Larry Wilson, Museum Director; Joette Woods, Liberty County Commissioner-Elect

### Pledge to Flag

**Roll Call & Introductions:** Larry Hedrickson, Liberty County, welcomed everyone, called the meeting to order, and conducted roll call.

**Approval of Previous Meeting Minutes:** May 17, 2016 Minutes

- MOTION: Ron Ostberg, Teton County, moved to accept the minutes. Charles Kulbeck, Blaine County, seconded the motion. Motion carried unanimously.

### District Chair/Vice Chair Elections

- District 4: No elections until 2017
- District 5: Chair & Vice Chair
  - Chair
    - Ron Ostberg was nominated at the Spring District Meeting; nominations were closed and Commissioner Ostberg was elected via acclamation.
  - Vice Chair
    - Allan Underdal, Toole County, moved to nominate Deb Brandon, Toole County, as Vice Chair. Sandy Broesder, Pondera County, seconded the motion. With no further nominations, Commissioner Brandon was elected via acclamation.

**Next MACo Districts 4 & 5 Meeting:** June 2017

- District 5 will host the next meeting: Toole County—Shelby discussed as a possible location.

**MACo Officer Nominations:** 2<sup>nd</sup> Vice President & Fiscal Officer

Harold Blattie announced that Laura Obert, Broadwater County, was nominated as MACo 2<sup>nd</sup> Vice President, and Mike McGinley, Beaverhead County, was nominated as MACo Fiscal Officer, at the Spring District Meetings.

- No further nominations for MACo 2<sup>nd</sup> Vice President or Fiscal Officer

**MACo Updates from MACo Staff:** Harold Blattie, Sheryl Wood, and Shantil Siaperas

- Resolutions Committee Conference Call: September 6<sup>th</sup> at 1 p.m.
  - Will assign resolutions to committees for review at the Annual Conference
  - At the Annual Conference, the committees will make recommendations to the membership on the resolutions as well as make proposed changes to their policy statements; the membership will then vote on the resolutions and policy statements
  - Resolutions that pass will become legislation for the 2017 Legislative Session (occasionally we get a “call-to-action” resolution, which doesn’t become a bill; it simply calls on MACo to take a specific action)
- MACo Annual Survey: Need your input on how we are doing and what we can do better to better service you
- Committee Appointments—Biographies for Requesting Committee Appointments: Helps MACo President make appointments and helps us with the Directory of County Officials; Committees help set policy at state and national level
- Annual Conference in Billings at the Billings Hotel & Convention Center
  - Not much time for workshops, as this is a legislative year, so resolutions and committee meetings are taking up much of the time
  - Urge you to be in attendance for the Multi-Bank Securities presentation during the General Session
    - Investment Advisor: See what market is truly doing; let your Treasurer see what securities are really selling for
    - The program is endorsed by MACo and NACo
  - Committees: Meeting regarding resolutions and policy statements
  - 2020 Census: Baseline work is being done now
  - Board of Investments Shares Changes/Updates to BOI’s, INTERCAP, Short Term Investment Pool (STIP), and In-State Loan Programs
  - Airports 101 for Civic Leaders
  - Mike Tooley, MT Department of Transportation: Fixing America’s Surface Transportation (FAST) Act
  - NACo: 1<sup>st</sup> Vice President, Brian Deloge, Florida & NACo Staff, Jacob Terrell, Associate Legislative Director, Telecommunications & Technology
  - Elections of MACo Officers
  - Board Meeting with New Board Members
- Staffing Changes
  - David Payne, Senior Claims Administrator, Property & Casualty Trust
  - Carol Glead, Claims Adjuster, Workers’ Compensation Trust
  - New Position: Wellness Coordinator for the Health Care Trust
  - New Position: Trust Operations Director—will take over the responsibility of the three risk sharing pools (mainly Harold Blattie’s responsibilities, so he can focus on legislative matters)
- Department of Labor Overtime Rule: Exempt employees must meet certain requirements and a salary threshold; check and make your exempt employees still meet requirements

**MACo President's & Officers' Report:**

Todd Devlin, Prairie County, MACo 1<sup>st</sup> Vice President

- The Executive Committee is working hard on getting the Trust Operations Director position filled; currently doing interviews
- PILT, SRS, Federal Revenue Sharing: Affects many counties in the state; have to protect our tax base
- Participation in NACo is Important: Consider even your county helping you participate; well worth it; we are very respected

- Sexual Abuse in Families: MACo should start working with the state to find programs; preventative is the answer; will be working with MACo's Health & Human Services Committee to start the dialogue; stats say that 50% of females in America are sexually abused; costs are \$210K per victim

**MACo Legislative Report:** Harold Blattie, Sheryl Wood, and Shantil Siaperas

- Legislative Calendar: The 2017 Session begins January 2<sup>nd</sup>
- Bill Draft Requests: 235 Placeholders as of August 19<sup>th</sup>; more to come
- Bill Draft Requests of Note:
  - LC006, Revise laws related to closure of certain coal-fired generation, Duane Ankney (R) SD 20
  - LC0012, Clarify county commission quorum requirements, Pat Connell (R) SD 43
  - LC0052, Create presumptive illness for firefighters, Pat Connell (R) SD 43
  - LC0116, Clarify that highway structures not subject to building code requirements, Brian Hoven (R) SD 13
  - LC0157, Allow corner crossing when moving from one public property to another, Tom Jacobson (D) HD 21
  - LC0196, Revise title insurance requirements in tax deed laws, Nels Swandal (R) SD 30
  - LC0207, Increase fine for gating a public road, Tom Jacobson (D) HD 21
- Energy & Telecommunications Interim Committee (ETIC)
  - Next Generation 9-1-1 Study; bill draft revised regarding the 9-1-1 fund distribution; the mechanism from the last draft was taken out and a new "status quo" model was inserted—so the funding and distribution will remain the same until the next census; the bill updates/modernizes the language in statute as well as proposes how to use the "stranded fund" dollars--\$5 million for completing the ESINet, \$350,000 for 9-1-1 Systems Plan, and \$80,000 for GIS Assessment; the rest of the money goes into the grant fund, where the providers have the priority and the 9-1-1 Advisory Council makes the final decisions on the projects that receive grants
  - Colstrip bill drafts/impact fee for shut down
- Judicial Redistricting Commission: Heard your comments and chose to make no recommendations to the Legislature; they have a soft recommendation of more judges in some places
- State Administration & Veterans' Affairs (SAVA) Interim Committee
  - Requested county websites have privacy policies; we have a draft model policy on the "resources" page of our website for counties to download; there won't be a committee bill on this issue
  - PERS/SRS: Actuarial reports will be out soon; we are having a meeting about the Sheriffs' Retirement System on September 16
    - SRS: 3.8% shortfall; 2% needed from employers; 2% needed from employees; MSPOA is going to their members with proposal of 1% employee and 3% county with a levy; there is no third-party funding source for this system (the other systems have third-party funding sources); there is a retention problem—those coming on aren't staying and getting vested, so that money goes back into MPERA for administration
- Children, Families, Health & Human Services (CFHHS) Interim Committee: Alzheimer's & Dementia Program; HB 130 grants proposing that you submit once not twice (right now it's annual)
- Law & Justice Interim Committee: Sexual assault; coming out with report from which we can work
- Education & Local Government (ELG) Interim Committee: Right-of-way on state trust lands—asked committee to do a study that would develop an inventory by perhaps providing some money to hire a consultant; maybe with gas tax?
- Revenue & Transportation Interim Committee (RTIC): Tax deed/lien study—last session we made a commitment that we'd look at the process; put together a Working Group and drafted a bill that cleans up the code and the process
- Water Policy Interim Committee (WPIC): Several bills, but only a couple of interest to counties
  - Defines exempt wells – have to be physically connected through pipes to be considered a single
  - Wells from the same aquifer are one well
  - Limits one exempt well per 40 acres
  - Developer may not be able to do exempt wells and may need to acquire a water right

- Economic Affairs Interim Committee (EAIC): Air ambulance services considered airlines under FAA—determines “air worthiness” (not a medical service)—can’t regulate; limited to certain areas; they offer memberships; balance billing—people filing medical bankruptcies
  - Bill Draft: Would require mediation between insurer and provider; we don’t like and neither does Blue Cross or MMIA
  - We think there needs to be a federal fix; took the notion to NACo—change airline regulation act, removing the air ambulance exemption
- Asbestos Advisory Committee: Federal Clean Air Act includes bridges in the definition of a structure; demolition of a “structure” requires an inspection; there currently is an exemption for wooden bridges but not concrete, as there can be naturally occurring asbestos in concrete
- Underground Utility Laws Working Group: Montana law is out of compliance with Federal Pipeline Safety Act, so the code needs to be amended to do a locate for underground utilities 48 hours before work is done; maintained authority for routine road grading
- Department of Agriculture: Pesticides bill being proposed regarding pesticide handling, labeling, and storage rules; we are monitoring this with Becky Kington (MT Weed Control Association)
- Montana Local Technical Assistance Program (LTAP): There has been talk about bringing the program into MACo, but \$100,000 isn’t adequate to fund it; Steven Jenkins in longer the Executive Director, so the position is being rewritten—appears as though the position is changing from training and education to research and grant writing
- Ballot Initiatives
  - CI-116, Montana Crime Victims’ Rights Initiative (Marsy’s Law), will be on ballot and likely pass
    - Looks like statute; gets into detail
    - Senator Kris Hansen wrote an opposition statement
    - County Attorneys will need more staff to comply with the notice requirements
    - MACo Board may be asked to participate in litigation if it passes
  - I-181, Brain Injury & Disease Initiative, will be on the ballot
  - I-176, Montana Drug Prohibition Initiative, will not make it on the ballot
  - I-182, Montana Medical Marijuana Initiative, will be on the ballot
- Federal Mineral Royalty Payments: Down by almost \$3 million
- PILT & SRS
  - PILT Lapsed: Fully funded appropriation in the both the House and Senate bills—\$480 million—bills have to be reconciled; if reauthorized, will be \$450 million pro-rated; NACo is optimistic
  - PILT Fly-in: Lesley Robinson, Phillips County Commissioner and Greg Chilcott, Ravalli County Commissioner
  - SRS Lapsed: Fall back to 25% payments (25% revenue generated; allocated to counties based on acres); look at February 2015 payment for amounts

**Resolutions:** Harold Blattie, Sheryl Wood, and Shantil Siaperas

- Recap of Current Proposed Resolutions
  - Wilderness Characteristics Inventory: Todd Devlin, Prairie County—Passed at the 2015 Annual Conference; Letter to the Editor—concerns of continuing wilderness characteristic inventory—will not be a bill at the session—was just something to give consent during the interim
  - MACo Committee Proposed Resolution
    - Immunization Record Disclosure: MACo Health & Human Services Committee – Difference between opt in and opt out (MT only has opt-in); Department brought last session; would like to bring with department this session
  - MACo Staff Proposed Resolutions
    - MACo Omnibus
    - Uniform Process for the Disposal of Surplus County Real Property: Tax Lien Working Group—Mike Harris, Gallatin County, Staff Coordinator
    - Tax Liens/Deeds: Tax Lien Working Group Bill

- Mail Ballots: Brought up by Districts 1, 2 & 3 (Gary Macdonald, Roosevelt County)  
We will be working with the Clerk & Recorders and Linda Stoll
  - Retirees as Independent Contractors
  - Sheriffs' Retirement System
- Resolutions from Spring District Meetings
  - Resolution Concept: 76-6-309, Minor Subdivision Review – Gallatin County (District 9); agency “may not” hold a hearing
  - Authority to Place Change of Form of Government on the Ballot by Ordinance – Lewis & Clark County (District 8); in HB 84 the language for a county commission to even put an amended form of government got stricken; this will give new authority and restore old authority (Contact: Susan Good Geise)
  - Resolution Concept: Utility Relocation Right-of-Way – Carbon County (District 7); Need to visit with MT Contractors' Association
  - Taxation on Trust Lands: Lake County (District 10); Make counties whole again (Contact: Bill Barron)
- Introduction of New Proposed Resolutions
  - Resolution Concept: Support Biocontrol of Noxious Weeds – Hill County (District 4); isn't a legislative resolution; will likely go to Agriculture Committee for input on writing letters (Contact: Mark Peterson)
- Discussion: Mail Ballots
  - Mike Wendland, Hill County Commissioner & Sandy Boardman, Blain County Clerk & Recorder: The Secretary of State (SOS) needs to be on board; SOS came out with an article regarding satellite election offices and how successful they were, but they tanked<sup>32</sup>
- Other Legislative Possibilities
  - Noxious Weed Trust Fund: Money hasn't increased in years—need an additional \$1 million for grants; MACo working with MWCA; we were asked to get a general idea of which option is best for the upcoming legislative session:
    - Increase the General Fund Diversion: Currently 1.5% goes to trust fund; propose increase by 0.5%, so 2% would go into the fund
    - Registration Fee: Increase motor vehicle licensing fee & then increase amount from General Fund
    - New Weed Fee on License Plates: Attach an earmark fee to motor vehicles; will likely be opposed by the Treasurers' Association (MACo has also historically opposed this type of legislation; also, HB 124 (2001) removed all earmarks and figured out percentages, of which 1.5% was decided upon for the weed trust fund
      - Districts 4 & 5 don't really like any of the options; thoughts are that the second option (increase in licensing fee) has the best chance of passing
  - Water Conservancy District: No way to dissolve the district; Lincoln County went to District Court, and the judge ordered it dissolved
  - Conservation Districts, Rate of Assessment: Repeal MCA 76-15-517; in contradiction to MCA 15-10-420; DNRC proposing to fix
  - Hard Rock Mining Payments: Extend sunset, as it sunsets in 2019
  - Harmonize MCA 7-4-2106 and MCA 7-4-2206: In 2013 we took out the timeframe and put in hard dates; an amendment was added in committee that unintentionally put in a one-day vacancy gap
  - Soil Conservation District: District is placing an ordinance on the ballot regarding bison relocation; however, MACo attorneys believe they don't have legal authority to do so; will not be covered by MACo PCT
  - Junk Vehicle Capital Reserve Account: Recent DEQ notice – Spend the money in FY 2017 or send it back to the state; possible legislation to allow counties the authority to have a fund (cannot currently put grant money into a capital improvement fund); trying to get a meeting set up with DEQ for early September

- Economic Development Programs Funding: 2015 retirement legislation changed the sunset date from 2019 to 2016; the money is still there; changes where it comes from (General Fund); checking to see if the programs will be losing money
- Separate County Legal Advertising from County Printing: Times have changed; counties no longer need to outsource printing (it's done in house)
- Bidding Threshold: Harmonize statutes

**Other District Business**

- Discussion: Road Supervisor Lawsuit
  - Grader on wrong side of road; head on collision with a car with a trailer resulting in life threatening injuries
  - County Attorney deferred to neighboring County Attorney who filed criminal charges against the operator
- Recognize Outgoing Commissioners: Allan Underal, Toole County; Russ Tempel, Liberty County; Sandy Broesder, Pondera County; Stan Klimas, Chouteau

**Meeting Adjourned**