



# Montana Association of Counties

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## DISTRICTS 6 & 7 MEETING MINUTES

Columbus, MT – Stillwater County Pavilion

June 4, 2013

### **District 6**

- Fergus
- Golden Valley
- Judith Basin
- Musselshell
- Petroleum
- Wheatland

### **District 7**

- Big Horn
- Carbon
- Stillwater
- Sweet Grass
- Yellowstone

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

**MACo President & Officers:** Joe Briggs, Cascade County Commissioner, MACo 1<sup>st</sup> Vice President; John Ostlund, Yellowstone County Commissioner, MACo Past President (2010-2011); Carl Seilstad, Fergus County Commissioner, MACo Past President (2009-2010)

**Guests:** Wayne Noem, Montana Department of Transportation

### **Pledge to Flag**

**Welcome & Introductions:** Jerry Dell, Stillwater County, welcomed everyone and called the meeting to order. Shantil Siaperas conducted roll call.

**Approval of Previous Meeting Minutes:** August 20, 2012 Minutes

- MOTION: Ken Ronish, Fergus County, moved to accept the August 20, 2012 minutes. Doug Tucker, Carbon County, seconded the motion. Motion carried unanimously.

**District Chair/Vice Chair Elections:** District 6 Chair & Vice Chair, 2-year terms (Dist. 7 Elections Not Until 2014)

- MOTION: Tom Bennett, Wheatland County, moved to re-elect Ken Ronish, as Chair. Gary Gershmel, Petroleum County, seconded the motion. Motion carried unanimously.
- MOTION: Tom Bennett moved to re-elect Chris King, Petroleum County, as Vice Chair. David Paugh, Golden Valley County, seconded the motion. Motion carried unanimously.

**Next District Meeting Host:** May 2014

- District 6 to Host: Stanford, Judith Basin County

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

Harold Blattie: Andy Hunthausen, Lewis & Clark County, was nominated at the Districts 8, 9 & 12 meeting.

- MOTION: Doug Tucker, Carbon County, moved to nominate John Prinkki, Carbon County, for MACo 2<sup>nd</sup> Vice President. Susan Mosness, Sweet Grass County, seconded the motion. Motion passed unanimously.
- There were no further nominations from the Districts 6 & 7 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 4<sup>th</sup> of July in Beaverhead or Broadwater County
  - State DES is gearing up to provide assistance
- Health Care Trust Workshop: Urge you or your staff to attend—Healthcare is changing dramatically for employers

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

Joe Briggs, MACo 1<sup>st</sup> Vice President, Cascade County Commissioner

- 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, Phillips County, is 1<sup>st</sup> Vice President in WIR; John Prinkki, 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.
- 2013 Legislative Session: Tremendous session with big issues; MACo respected
- MACo Annual Conference: September 22-26

**NACo Update(s):** John Prinkki, NACo Environment, Energy & Land Use Steering Committee (EELU)

- Railroad Competition Act
- Captive Shipper Act
- Carbon Tax: Cap-n-Trade
- Forest Management Plans

**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

### **Break for Lunch**

**Legislative Report (Continued)**

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

**STIP & Secondary Roads:** Wayne Noem, Montana Department of Transportation

- STIP
- Planning/Programming Document
- MAP 21
- Secondary Roads
- Off-system Bridge Program

**Meeting Adjourned**