



# Montana Association of Counties

*Serving Montana Counties Since 1909*

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www.mtcounties.org

## DISTRICTS 8, 9 & 12 MEETING MINUTES

Townsend, MT – Ambulance Building

August 23, 2012

### District 8

- Broadwater
- Jefferson
- Lewis & Clark

### District 9

- Gallatin
- Meagher
- Park

### District 12

- Anaconda-Deer Lodge
- Beaverhead
- Butte-Silver Bow
- Granite
- Madison
- Powell

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

**MACo President & Officers:** None present

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

### Pledge to Flag

**Welcome & Introductions:** Gail Vennes, Broadwater County, welcomed everyone, called the meeting to order, and conducted roll call.

**Approval of Previous Meeting Minutes:** May 21, 2012 Minutes

- MOTION: Leonard Wortman, Jefferson County, moved to accept the May 21, 2012 minutes. Mike Murray, Lewis & Clark County, seconded the motion. Motion carried unanimously.

**District Chair/Vice Chair Elections:** District 8, 9 & 12 Chairs & Vice Chairs, 2-year terms

- MOTION: Laura Obert, Broadwater County, moved to elect the Mike Murray, Lewis & Clark County as Chair of District 8. Leonard Wortman seconded the motion. Motion carried unanimously.
- MOTION: Dave Kirsch, Jefferson County, moved to elect the Leonard Wortman as Vice Chair of District 8. Mike Murray seconded the motion. Motion carried unanimously.
- UPDATE: At a previous District 9 meeting, Marty Malone, Park County was elected Chair, and Randy Taylor, Park County, was elected Vice Chair.
- MOTION: Jim Hart, Madison County, moved to elect the Tom Rice, Beaverhead County as Chair of District 12. Garth Haugland, Beaverhead County, seconded the motion. Motion carried unanimously.
- MOTION: Tom Rice moved to elect the Jim Hart as Vice Chair of District 12. Dave Schulz, Madison County, seconded the motion. Motion carried unanimously.

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

Harold Blattie announced that Allan Underdal, Toole County, and Tony Berget, Lincoln County, were nominated for MACo 2<sup>nd</sup> Vice President. Also, Cynthia Johnson, Pondera County, withdrew her nomination as MACo Fiscal Officer and Mike McGinley, Beaverhead County, was nominated. (No nominations were made from Districts 1, 2 & 3.)

- MOTION: Jim Hart moved to nominate Dave Schulz for MACo 2<sup>nd</sup> Vice President. Leonard Wortman seconded the motion. Motion carried unanimously.

## **MACo Staff Report**

- **MACo Staff, Harold Blattie**
  - Personnel Services Administrator: Our current JPIA Personnel Services Administrator, Jack Holstrom, is retiring and will complete his last day of work on August 31. We have reviewed the submitted applications and will begin the interview process.
  - Loss Control Specialist: We haven't had any suitable applicants. Greg Jackson, JPIA/JPA Trust Administrator, spoke with other states, and they are in the same position—thinking about outsourcing.
  - Paralegal: This position was approved by the JPIA/JPA Trustees.
  - Legislative Policy Analyst: This position was approved by the Board of Directors and will spend a significant amount of time lobbying; therefore, allowing Sheryl step back and focus more on the organization as well as the pension issues during the legislative session. We will start advertising for this position after District Meetings.
- **Pension Stakeholder Meeting/Conference Call, Sheryl Wood**
  - Monday, August 27 at 10 a.m.—the MACo membership is invited to call in or attend.
  - We would like to get conversations going on this subject amongst all of the stakeholders.
  - MACo has not taken a position on any pension proposals.
  - We proposed that there be equal representation on the pension board.
- **Resolutions Committee Meeting/Conference Call, Sheryl Wood**
  - Tuesday, August 28 at 2 p.m.
- **MACo Annual Survey, Sheryl Wood**
  - We will be sending the survey out after district meetings. Let us know what we're doing right, what can be done better, and what else we can do.
- **Committee Appointments/Biographies, Sheryl Wood**
  - The biography forms will be handed out at the annual conference; these help with our directory updates as well as assist our president in appointing members to committees, so please fill them out and get them back to us.
  - If you can't be at the conference, the form is posted on our website.
- **Proposed MACo Bylaw Amendment, Sheryl Wood**
  - We are proposing a minor cleanup amendment, clarifying that it is the "Immediate" Past President that serves on the MACo Executive Committee.
- **Nationwide 457 Program, Harold Blattie**
  - Nationwide's 457 Program is NACo and MACo endorsed and continually comes out on top; both MACo and NACo receive money for the endorsement (revenue sharing).
  - This is the best program for your counties and doesn't cost you a thing.
  - Montana now has Nationwide Representative stationed here: Margaret Volpe-Rodgers.
- **Annual Conference, Harold Blattie**
  - Monday: General Session Workshops
    - Statewide Public Safety Communications
    - How to Effectively Communicate with Legislators from Home: Before and During the Session
    - The Role of NACo Financial Services Center at the National Association of Counties and With Your County
    - US Department of Transportation Federal Highway Administration
    - Working with the Attorney General's Office
    - Marketing Efforts – 457 Plans
    - Map 21 Federal Transportation Bill
    - Parliamentary Procedures – Roberts Rules of Order
    - IRS Section 125 – Cafeteria Plans
  - Tuesday: Committee Meetings—there will be one block in the morning and one block in the afternoon, at the request of the membership.
  - Wednesday: General Session Resumes – Legislative Priorities & Business Session
  - Thursday: New Board of Directors Meeting
- **Budget and Road Law Workshops, Harold Blattie**

- Thank you for attending our recent Budget and Road Law Workshops.
- 2<sup>nd</sup> Budget Workshop: Miles City on August 21 – for people from Eastern Montana who couldn't make the trip to Helena for the 1<sup>st</sup> Budget Workshop
- 3<sup>rd</sup> Budget Workshop: Helena on September 5 – Requested by Legislative Services
- SB 372, Lower business equipment tax -- phase more reduction on state economic growth, Harold Blattie
  - We sent out the floating mill calculation spreadsheet. If you have any questions about the distribution, please contact us, as there is some confusion on how to handle the 2013 payment.
- GASB 45, Harold Blattie
  - Changing Montana law is not effective, as the auditors still have to abide by the accounting principles.
  - The Department of Administration (DOA) has a spreadsheet to carry forward GASB 45.
- Federal Mineral Royalty, Harold Blattie
  - The spreadsheet has been sent.
- Department of Natural Resources (DNRC) Fire Conference Call Feedback, Harold Blattie
  - Group Consensus: The call was good; response times have been great; volunteers are running low and exhausting their vacation time—they are wore out, because of the long fire season.
- Secure Rural Schools (SRS) Payment Update, Harold Blattie
  - Passed for an additional year: you must decide if you'll be in the 25% payment or SRS.
- NACo Prescription Discount Card Program, Shantil Siaperas
  - Counties can offer savings to residents who are uninsured or underinsured with the NACo Prescription Discount Card; it's free to NACo member counties and their residents. The card provides an average savings of 24% off the full retail cost of a prescription, including pet medications.
  - We brought additional information, as well as contracts, and the marketing fee reimbursement documentation, if you're interested; or you can contact me.
- Inmate Medical, Sheryl Wood
  - We are pursuing getting the NACo Prescription Discount Card established for inmates' use as well.
- NACo Updates, Harold Blattie
  - NACo's new Executive Director is Matthew Chase; he wants to take a more proactive approach.
  - Mike Murray, Lewis & Clark County, is now the chair of the NACo Public Lands Steering Committee.
  - Lesley Robinson, Phillips County, is the 2<sup>nd</sup> Vice President of the Western Interstate Region (WIR) and Vice Chair of the NACo Public Lands Steering Committee.
- NACo Dental Card, Harold Blattie
  - Finding dentists to participate in Montana and cut their rates is difficult—NACo is trying.

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

Harold Blattie extended regrets from MACo President and McCone County Commissioner, Connie Eissinger, as she could not be at the meeting.

### **Discussion**

- Large Predator Committee, Dan Happel, Madison County
  - Setup Conference Call
  - Fish, Wildlife & Parks (FWP) Comments due by September 21
- Bill Draft Request LC0232, Require Local Government Transparency, Mike Murray
- FWP Depredation Protocol & Coordination Meeting, Leonard Wortman

### **Break for Lunch**

#### **MDT – MAP 21 & FLAP:** Wayne Noem, MDT

- Off-System Bridges: Included in MAP 21—monetary value is up to the individual state
- On-System Bridges: Rolled into state primary, secondary, and urban, STP, and NaH highway money
- Nominations for off-system bridge program
- Secondary Roads/STP Programs: Recommending same funding level

- Federal Lands Access Program (FLAP): Federal and tribal land transportation program – opened up many more routes – repealed Forest Highways Program
- Local matches (in kind for funded)
- State picks up match on state secondaries
- Local matches will likely be 13.42%

### **Legislative Report**

- Potential/Pending Legislation, Harold Blattie & Sheryl Wood
  - Workers Compensation for Volunteer Firefighters
  - Budget Bill Addition: Cleanup – tax levies – first Thursday after first Tuesday
  - Elected Official Vacancies (Title 7): Number of days – currently 75 days, needs to be 85 days
  - Subdivision for Rent or Lease: MACo advocates local control with reasonable sideboards; Eastern and Western Montana have different issues; Senator Facey and Representative Rosendale are working on a solution.
  - Exempt Wells: Committee is discussing limiting exempt wells to low rates, limiting size, seems like a statewide fix; one solution does not fit all; watersheds differ; DNRC will adopt administrative rules if this committee doesn't come up with something; Tara DePuy has been very involved
  - Forest Receipts: The federal government adopted this, so we need a bill (cleanup) on our end to implement the adoption.
  - Legal Holidays: Cleanup bill – If the holiday falls on a Saturday, Friday is considered the holiday.
  - Storage of Electronic Records: The Select Committee on Efficiency in Government (SCEG) – Allowing counties to store records electronically outside of the Clerk & Recorder's office
  - Authority of Sheriffs & Deputies: POST Council withdrew their proposals.
  - DNA: On the Law & Justice Interim Committee's agenda—we'll be watching it.
  - Emergency Detention: Coming out the Law & Justice Interim Committee; it's early intervention, which we support.
  - Social Host Ordinance: Coming out the Law & Justice Interim Committee
  - Suicides Pilot Projects: Suicide rates are higher than ever; there are two proposals coming out with different funding models; they are coming out the Law & Justice Interim Committee
  - Medical Marijuana: SB 423 is on the ballot; if it is repealed, we will need something in place again for local government authority to regulate.
  - Public Assistance/Welfare Assumptions: Department of Public Health & Human Services (DPHHS) OPA Offices
  - Clinical Trials/Affordable Care Act: The State drafted a bill through the Children Families Health & Human Services (CFHHS) Committee and included local governments to cover these treatments, so we will work to get that taken out.
  - Increase justice court filing fees: Magistrates
- Council of County Officials (CCO) Meeting: Review of legislative agendas – November

### **MACo Resolutions**

- Resolutions Presented at Previous District Meetings, Harold Blattie & Sheryl Wood
  - Introduced Resolutions from Districts 1, 2 & 3
    - Oil Impacted Counties Funding, McCone County
      - \$25 million – Federal Mineral Royalty
    - Sage Grouse Listing, Prairie County
      - Protect local government, communities, businesses from unnecessary restrictions
    - Pittman-Robertson/Dingell-Johnson Funding, Prairie County
      - State wildlife agencies receive this funding to benefit their wildlife goals and mission
    - MACo Pursue NACo & Congress to Amend ESA
      - State-recognized wildlife management agency (petition)
    - Gravel Pit Permit Fees, Phillips County (Conceptual Resolution—MACo to draft)
      - Eliminate \$0.25 fee on applications

- Introduced Resolutions from Districts 4 & 5
  - Heavy Load Permits, Glacier County
    - Equitable distribution of overweight and over size permit fees collected by the Montana Department of Transportation (MDT)—the counties issue permits for such loads on highways over which counties have jurisdiction and forward funds to the department for distribution.
- Introduced Resolutions from Districts 6 & 7
  - Fuel Tax Bid Limits, Fergus County
    - Increase to \$50,000
  - Davis Bacon Act/Prevailing Wage Act, Fergus County
    - Davis Bacon to coincide with gas tax: kick in at \$50,000 (now, up to \$20,000)
- Introduced Resolutions from Districts 10 & 11
  - Stranded E-911 Fees, Missoula County
    - Returning unused funds to counties—keep a base amount
  - Noxious Weeds, Missoula County
    - Increase funding available to on-the-ground weed management programs—trying to keep more money in the trust fund
  - Emergency Medical Services (EMS) Run Review, Missoula County
    - At the end of a run, there is a review—can't review very well due to HIPPA—establish local government board like state has for quality assurance; also important for the record of what occurred
  - Montana Votes Database, Missoula County
    - Statewide funding for continuing maintenance—fund through Secretary of State's budget
- Spring District Meetings
  - Equipment & Auction, Park County: Remove \$60,000 cap
  - Special Fuel Permit, Park County: Conceptual Resolution
  - Montana Land Information Act Modification, Lewis & Clark County: Funds Allocation; Counties \$0.75 and State \$0.25
  - Justice Courts' Authority over Budget and Staff, Ravalli County
- Introduced Resolutions for Districts 8, 9 & 12
  - Livestock Protective Committee, Beaverhead County
    - Change law to reflect January 1 date
    - MOTION: Tom Rice moved to support the proposed resolution. Dave Schulz seconded the motion. Motion carried unanimously.
  - Public Safety Communications, Beaverhead County
    - Government structure only, not funding
    - MOTION: Mike McGinley moved to support the proposed resolution. Andy Hunthausen, Lewis & Clark County, seconded the motion. Motion carried unanimously.
  - Coordination, Madison County
    - The proposed resolution was amended.
    - MOTION: Mike Murray moved to support the proposed resolution as amended. Rem Mannix, Powell County, seconded the motion. Motion carried unanimously.
  - Weed District Compliance, Lewis & Clark County
    - Managing noxious weeds—amending the Montana Noxious Weed Control Act
    - MOTION: Leonard Wortman moved to support the proposed resolution. Dave Schulz seconded the motion. Motion carried unanimously.
  - Community Post Offices, Madison County
    - Continuing sustainable operation
    - The proposed resolution was amended.
    - MOTION: Andy Hunthausen moved to support the proposed resolution as amended. Mike Murray seconded the motion. Motion carried unanimously.

- School Zone Speed Limits, Lewis & Clark County
  - On state highways
  - MOTION: Rem Mannix moved to support the proposed resolution. Tom Rice seconded the motion. Motion carried unanimously.

### **Legislative Report (Continued)**

- Pensions, Sheryl Wood
  - MACo has been attending the State Administration & Veterans' Affairs (SAVA) Interim Committee meetings, PERB meetings, and meeting separately with the Legislative Fiscal Division. Montana's pensions are not actuarially sound, and we're looking for your input and guidance.
  - There is no specific plan yet—several proposals and presentations.
  - Everyone is wondering what MACo's position is on the pension issue—haven't taken a position as of yet, as the members will decide at the annual conference in September. MACo is organizing a stakeholders meeting—need some unofficial direction before annual conference—want to be proactive and part of the solution.
  - Issues:
    - Numbers & Data: The numbers range from \$6 million to \$2 billion for local government (counties, cities, towns, special districts, etc.). According to the Budget Director, the annual contribution for the counties' share is \$3.9 million.
    - Questions of contract impairment and constitutionality regarding current proposals
    - Public Employee Retirement Board (PERB): All are beneficiaries – three current employees, two at-large members, one retiree, and one person with knowledge of investments. We gathered information from other states, and 14 of the 19 that responded have local representation on the board.
  - Possible MACo Proposals
    - PERB Restructuring: three employees, one representative from MACo, one representative from cities & towns, one representative from unions, one representative from the Board of Investments
    - Plan Design: No more changes—work to equalize them.
    - Investment Policy & Strategy: Maybe have some restraints on investing in statute—may not be needed with board restructuring
    - Employer/Employee Contribution: Up to 1%
- Actions by Districts 8, 9 & 12
  - Employer/Employee Contribution
    - MOTION: Laura Obert moved to support up to a 1% employer/employee contribution. Andy Hunthausen seconded the motion. Motion carried unanimously.
  - PERB Restructuring
    - MOTION: Mike Murray moved to allow MACo's executive leadership to pursue restructuring the Public Employee Retirement Board. Mike McGinley seconded the motion. Motion carried unanimously.
  - Plan Design
    - MOTION: Andy Hunthausen moved to support efforts to equalize the plans. Donna Young, Powell County, seconded the motion. Motion carried unanimously.

### **Meeting Adjourned**