



## MIDWINTER CONFERENCE New with Tried and True

The new MACo Executive Committee participated in it's first Board of Directors meeting following the **swearing in of President Carol Brooker and Second Vice President Douglas Kaercher**. The new officers moved into their positions following the resignation of President Victor Miller, Blaine County, who lost his district and county commission seat following a federal court-ordered re-districting edict.



MACo EXECUTIVE COMMITTEE

(L-R) Fiscal Officer Dan Watson, Rosebud County; 2nd VP Doug Kaercher, Hill County; President Carol Brooker, Sanders County; 1st VP Bill Kennedy, Yellowstone County; Past President Gary Fjelstad, Rosebud County; Urban Rep. Howard Gipe, Flathead County

In an effort to coordinate with additional county government groups, Midwinter Conference included a variety of sessions.

On Tuesday, February 18, at the Coalition of Forest Counties meeting, a **speaker from New Mexico described efforts by their counties to harvest timber**. In timely fashion, the day before and the day after the meeting, Montana's State Legislature worked on two bills addressing timber harvest on Montana State Lands. HB 605, a bill calling for accountability for timber sale costs and revenues on a sale-by-sale basis, was heard in committee on February 17. HB 537, a bill calling

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for the department to study forested state lands to recalculate the annual sustainable yields, passed second reading on the House floor on February 19.

**MACo's new Economic Development Committee**, chaired by Commissioner Anita Varone, Lewis and Clark County, met in the MACo Conference room. The group heard from Gateway Economic Development Corporation (Helena) and Bearpaw Economic Development Corporation (Havre).

On Wednesday, February 19, the **County Treasurer's Association and the Clerk and Recorder Association met in concurrent sessions with the Disaster and Emergency Services program**. The DES Conference focused on terrorism preparedness with sessions reflecting FBI, military, public health, emergency management and communication coordination techniques.

On Thursday, following a general session in the morning, **the entire conference moved to the Capitol to attend hearings and to have lunch with legislators**. Two MACo sponsored bills were heard: HB 535 to exempt the study commission mill levy from mill levy limits and SB 370 to determine responsibility for prisoner medical expenses.

# P.I.L.T. FUNDING INCREASED

On February 13, Congress finalized the FY 2003 "omnibus" appropriations bill. President Bush has said he will sign it. Payment in Lieu of Taxes (PILT) was given a record \$220 million - a \$10 million increase over the FY 2002 level. Funds will likely be disbursed to counties during the month of June.

NACo urges us to FAX letters to the members of the House-Senate Conference Committee, thanking them for this increase (particularly those of us from Alaska, West Virginia, Montana, North Carolina, Washington, Wisconsin and Florida). NACo reminds us that we should be grateful when our representatives in Washington do what we ask them to do under difficult circumstances. *It's not only good politics, it's good manners.*

## SENATORS:

**The Honorable Ted Stevens** (R-AK), Chair  
Committee on Appropriations  
FAX 202.224.2354

**The Honorable Robert C. Byrd** (D-WV)  
Ranking Minority Member  
Committee on Appropriations  
FAX 202.228.0002

**The Honorable Conrad Burns** (R-MT), Chair  
Subcommittee on Interior & Related Agencies  
Committee on Appropriations  
FAX 202.224.8594

## REPRESENTATIVES

**The Honorable C.W. "Bill" Young** (R-FL), Chair  
Committee on Appropriations  
FAX 202.225.9764

**The Honorable Norman D. Dicks** (D-WA)  
Ranking Minority Member  
Subcommittee on Interior & Related Agencies  
FAX 202-226-1176

**The Honorable David Obey** (D-WI)  
Ranking Minority Member  
Committee on Appropriations  
no Fax Number - send via US Mail

**The Honorable Charles Taylor** (R-NC), Chair  
Subcommittee on Interior & Related Agencies  
Committee on Appropriations  
no Fax Number - send via US Mail

## MARK YOUR CALENDAR

February 28-Mar. 4	NACo Legislative Conference; Washington DC
March 6	Montana GIS Council
March 28-30	National Forest Counties & Schools Coalition Sparks, Nevada

### UPCOMING EVENTS

April	GASB Training—Management & Analysis
April 7-10	County Road Supervisors; Fairmont
April 28-May 2	Magistrates Association; Lewistown
<b>May 2</b>	<b>JPIA Trustee Renewal Meeting</b>
<b>May 5-23</b>	<b>MACo District Meetings</b>
May 14-15	BOS Joint Workforce Council; Great Falls
May 28-31	Western Interstate Region (WIR); Reno
June	GASB Training--Reports; Supplementary Info.
June 17-19	Governors' Forest Health Summit, Missoula
July 10-16	NACo Annual Conference; Milwaukee
July 16-18	County Attorneys Association; Fairmont
August 10-14	Clerks of District Courts Association; Forsyth
September 14-19	Clerks and Recorders Association; Forsyth
<b>September 21-24</b>	<b>MACo Annual Conference; Lewistown</b>
September 22-26	Treasurers Association; Dillon
September 29-Oct. 3	Magistrates Association, Helena

Other Federal appropriations of interest to county governments include funding increases for:

1. USDA's Rural Community Advancement Program (RCAP) which includes rural community facilities programs
2. Drought relief for agriculture producers who lost 35% of their crops
3. Community Development Block Grant (CDBG) formula grants
4. Homeless assistance funding
5. Improving election administration and replacement of punch card and lever voting machines (These funds should be distributed to the states by early April.)
6. Transfers from the Temporary Assistance for Needy Families (TANF) to the Social Services Block Grant (SSBG) (Head Start programs and WIC Feeding Programs maintained funding levels.)
7. Homeland Security, First Responder funding which includes training and equipment for fire, emergency medical, hazardous materials, law enforcement and other first responders to acts of terrorism
8. Federal Highway and Amtrak programs (same as last year, but higher than President's proposed budget)

**NEW COMMISSIONER  
Steve Rosencranz  
Carter County**

Steve Rosencranz was appointed December 23, 2002, to the commission position of the late John Kerr. He will serve the first two years of the six year term, until the general election in 2004.

Rosencranz was chosen from the three nominees offered by the Carter County Republican Central Committee.

Directory Information  
HC 49, Box 31  
Hammond 59332  
775-6218

**NEW COMMISSIONER  
Betty Hagfeldt  
Daniels County**

Betty Hagfeldt was appointed February 4 to complete the two-year balance on the term of her late husband, Pete. She is the first woman commissioner in Daniels County and began her duties immediately.

Hagfeldt was chosen from two groups of nominees offered by the Daniels County Republican Central Committee.

Directory Information  
PO Box 825  
Scobey 59263  
487-5594

**NEW CLERK OF COURT  
Laura Brent  
Yellowstone County**

Laura Brent has worked in the Yellowstone County Clerk of Court office for fifteen years, most recently as supervisor for Jean Thompson, who retired from the Clerk position at the end of January. Brent said Thompson was both a mentor and a friend through the years and that this new position is her dream job.

Brent was chosen from a group of seven applicants.

**2003 COUNTY COMMISSION CHAIRS**

**ANACONDA-DEER LODGE** ..... Paul V. Beausoleil  
**BEAVERHEAD** ..... Garth Haugland  
**BIG HORN** ..... John Pretty on Top  
**BLAINE** ..... Don Swenson

**BROADWATER** ..... James Hohn  
**BUTTE-SILVER BOW** ..... Michael Kerns  
**CARBON** ..... John Prinkki  
**CARTER** ..... James Courtney

**CASCADE** ..... Tom Stelling  
**CHOUTEAU** ..... Kenneth Evans  
**CUSTER** ..... Janet Kelly  
**DANIELS** ..... Lalon Trang

**DAWSON** ..... James Deckert  
**FALLON** ..... Roddy Rost  
**FERGUS** ..... Vern Petersen  
**FLATHEAD** ..... Robert Watne

**GALLATIN** ..... John Vincent  
**GARFIELD** ..... Julie Jordan  
**GLACIER** ..... Bill Icenoggle  
**GOLDEN VALLEY** ..... Joan Krause

**GRANITE** ..... Earl Martin  
**HILL** ..... Patrick Conway  
**JEFFERSON** ..... Sherry Cargill  
**JUDITH BASIN** ..... Richard Cervenka

**LAKE** ..... Paddy Trusler  
**LEWIS and CLARK** ..... Anita Varone  
**LIBERTY** ..... Russ Tempel  
**LINCOLN** ..... John Konzen

**MADISON** ..... David Schulz  
**McCONE** ..... Kent Larson  
**MEAGHER** ..... Herb Townsend  
**MINERAL** ..... Judy Stang

**MISSOULA** ..... Bill Carey  
**MUSSELSHELL** ..... Bryan Adolph  
**PARK** ..... Ed Schilling  
**PETROLEUM** ..... Lee Iverson

**PHILLIPS** ..... Carol Kienenberger  
**PONDERA** ..... Sam Harris  
**POWDER RIVER** ..... Ray Traub  
**POWELL** ..... Gail Jones

**PRAIRIE** ..... Todd Devlin  
**RAVALLI** ..... Betty Lund  
**RICHLAND** ..... Mark Rehbein  
**ROOSEVELT** ..... Gary Macdonald

**ROSEBUD** ..... Joan Stahl  
**SANDERS** ..... Justin Gail Patton  
**SHERIDAN** ..... Bill Nyby  
**STILLWATER** ..... Clifford Bare

**SWEET GRASS** ..... Lloyd Berg  
**TETON** ..... Mary Sexton  
**TOOLE** ..... Allan Underdal  
**TREASURE** ..... Roger Knapp

**VALLEY** ..... Dave Reinhardt  
**WHEATLAND** ..... David Miller  
**WIBAUX** ..... Tom Nelson  
**YELLOWSTONE** ..... Bill Kennedy

# EFFECTIVE LEGISLATIVE COMMUNICATION

How well your legislators represent you and your county depends, to a large degree, on how effectively you tell and sell your county situation. Your legislators are interested in what you have to say for two very practical reasons. First, you are a specialist with detailed up-to-the-minute information about one of their legislative responsibilities - Montana county government. Second, you not only are a constituent, but you were also elected to represent the viewpoint of constituents who are residents of your county.

Like any other activity, lobbying has certain courtesies which every lobbyist, full-time or part-time, should know. These courtesies apply, not only to lobbyists, but to anyone who wishes to communicate with legislators.

It's always easier to ask a friend for something than to ask a stranger. So, get acquainted with your legislators before the time you ask for their support on legislation. Invite your area legislators to your courthouse and to district meetings to meet you and other elected officials. Discuss your and MACo's needs and issues. Allow them an opportunity to inform your group of their legislative concerns and happenings.

Take an opportunity to visit with your legislators during sessions when they are back home. Keep them informed on county issues.

Write to your legislators at least twice a year to give them a status report on your county. This should include a report on any issue the legislator is working closely with you on, cooperative and joint projects with other counties or state entities, changes implemented in order to increase efficiency or any other matter which affects your county.

Work with legislators on county issues during the months when the legislature is not in session to help identify the critical concerns that are likely to be on the top of county agendas for the next session. You will need to have facts and figures to back up the case you are making, preferably in brief written form and be prepared to answer questions.

Don't let your limited time with the legislator be used up on discussions of the weather or subjects that are unrelated to your visit. Don't argue, threaten or go away mad. Don't lose your

temper, no matter how difficult the situation. Keep in mind that a legislator has broad responsibilities in many areas. In making a decision on what he/she can or can't support, a legislator must take into consideration a variety of factors. Always leave the door - and the lines of communication - open.

Don't cross a legislator off your lobbying list even after you have arrived at the well-documented conclusion that he is not in favor of your legislation. Continue contacts to give the status of the issue. You may never convert this person, but you can diminish enthusiasm for working against your bill.

MACo staff can lobby their heads off for legislation of benefit to counties, but unless the legislators are also hearing from you - their constituents - in support of these issues, they aren't going to pay that much attention. Legislators listen to those lobbyists who have tangible evidence of back-up support from the folks back home. What is absolutely essential to successful lobbying is teamwork between you and MACo staff.

Adapted from "County Comment"  
a publication of  
South Dakota Association of County Commissioners

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## 2003 MACRS Conference

Montana Association of County Road Supervisors

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**- Please mark your calendar -**

Date: April 7-10, 2003  
Place: Fairmont Hot Springs  
Agenda Items:

- Dealing with the Public
- Personnel Issues
- Road Law
- Speed Limits
- Beaver Dams
- Wildfires
- Shoulder Maintenance/Weeds
- Cattleguards
- Road Law

For information, call Donnetta 1-800-541-6671.

**ANNUAL CONFERENCE  
MOTEL ROOMS  
IN DEMAND**

**MAKE RESERVATIONS  
NOW**

MACo Annual Conference, scheduled for September 21-24 in Lewistown, is at the same time as pheasant hunting season. Motels are willing to set aside only a limited number of rooms in each complex for MACo guests.

However, if we make reservations early and the motels realize we need more rooms, they will open more rooms to accommodate MACo delegates.

So please make your reservations as soon as possible. Be sure to ask for rooms set aside for MACo.

The motels which currently have MACo rooms set aside are:

**Yogo Inn** (conference center)  
538-8721 (refer to MACo Room Block / Group 657)  
State rate \$35 + tax

**Mountain View**  
538-3457 (Ilene)  
Continental breakfast  
Single \$32.25 Double \$42.65

**Super 8**  
538-3581 (Annette)  
State rate \$35 + tax

**B & B Motel**  
538-5496  
Single \$45 Double \$50

**Sunset Motel** (Candy)  
538-8741  
Single \$34.32 Double \$43.68

**PROTECT YOUR  
PERSONAL INFORMATION**

We've all heard horror stories about fraud that's committed by stealing a name, address, Social Security number, credit cards, etc. Here are effective steps to protect your personal information:

1. The next time you order checks, **have only your initials** (instead of first name) **and last name printed**. If someone takes your check book, they will not know if you sign your checks with just your initials or your first name, but your bank will know.

**Put your work phone number on your checks instead of your home phone. If you have a PO Box, use that instead of your home address.** If you do not have a PO Box, use your work address. **NEVER have your Social Security Number printed on your checks.** You can add it, if it is necessary.

2. **Photocopy the contents of your wallet**—both sides of each license, credit card, etc. You will know what you had in your wallet and all of the account numbers and phone numbers to call and cancel. Keep the copies in a safe place.

**IF YOUR INFORMATION  
DISAPPEARS**

3. **Cancel your credit cards**, using the toll-free numbers from your copies.

4. **File a police report immediately in the jurisdiction where your information was stolen.** This proves to credit providers you were diligent, and it is a first step toward an investigation.

5. **Phone the three national credit reporting organizations and the Social Security Administration immediately** to place a fraud alert. The alert means any company that checks your credit will know your information was stolen and they are required to contact you by phone to authorize any new credit. The numbers are:

EQUIFAX: 1-800-525-6285  
EXPERIAN: 1-888-397-3742  
TRANS UNION:  
1-800-680-7289

SOCIAL SECURITY  
ADMINISTRATION  
Fraud Line: 1-800-269-0271

**Trails End Motel** (Julie)  
538-5468  
Single \$38 Double \$43

Also available—no MACo set-aside  
**Willow Tree Bed & Breakfast**  
538-8844  
Double \$75



**ATTENDEES  
MIDWINTER CONFERENCE**

## SAFETY RAY SEZ

Ray Barnicoat  
MACo Risk Manager



On January 15, 2003, the annual MACo Loss Control Conference was held in Helena. One of our speakers, Dan Dunlap, Special Agent for the Drug Enforcement Administration (DEA), did a session on clandestine methamphetamine lab issues.

Mr. Dunlap told us that meth labs are common in Montana and can be found almost anywhere. He said, "There is no profile such as age, gender or economic status of drug producers." he said. "Meth labs can be in homes, motel rooms, outside in campgrounds or in campers, etc." He told us that mobile labs are becoming more popular because they are harder to detect.

County employees who work outside (road crews, weed crews, etc.) need to be informed so that they are aware that waste products from labs can show up anywhere. If they see unusual containers or amounts (large quantities of iodine containers or Sudafed packaging) along roadways, they should report it as soon as possible.

They should not investigate on their own. Doing so could put them at risk of personal harm. Over 50 chemicals can be used in meth production. Many of these chemicals are very potent and can be lethal. For more information or training on this issue I suggest you contact your Sheriff.

## METH. LABS IN MONTANA

State and local governments are using the US Drug Enforcement Administration with increasing frequency for assistance in cleaning up clandestine drug laboratory sites. DEA's disposal program is predicated on the assumption that the substances at clandestine laboratories are so toxic that they must be immediately destroyed.

When an agency seizes property, it normally has only three options: to hold it as evidence, initiate forfeiture procedures, or give it back. Under the US Resource Conservation and Recovery Act, a law enforcement agency that seizes a clandestine laboratory becomes a "generator" of hazardous wastes located there.

Wastes from laboratories meeting "conditionally exempt small quantity generator" status could be removed from the site and placed in container storage. But properly trained personnel must maintain documentation to allow the waste to be tracked from point of generation to the point of disposal.

### Meth Labs in Montana Requiring Hazardous Waste Clean-up (DEA Statistics)

Year	Number	Taxpayer Cost
1997	7	-
1999	16	\$ 98,000
2000	33	235,000
2001	86	631,000
2002	122	1,005,000

Hazardous chemicals are absorbed through skin and by breathing. Clothing, gloves, boots and facemasks offer no

protection. (Don't even wipe your sleeve across your face or step on discolored ground where chemicals may have been dumped.) Inhalation affects the respiratory system quickly and can have adverse long-term health affects.

As soon as meth enters a body, whether through skin or breathing, the person is contaminated. Skin dcontamination is done by vigorously washing with water for 15 minutes, using ten gallons of water a minute. Not all of the body's impacted systems recover fully.

Meth labs create a volatile, vaporous gas and also carbon monoxide, either of which may cause a person to collapse. The labs smell strongly of urine—a pungent, nose-burning, acrid and sour smell like that of a filthy pet cage. Ceilings, walls and surfaces of the lab may be streaked with brown stains. Meth is cooked in either a hot or cold process. Containers may include glass jars, Red Devil lye or Drano cans or metal drums. Mobile labs might include a plastic gas can, a few large jugs or bottles, plastic tubing, a propane heating source, funnels and coffee filters. Supplies might include ammonia, rubbing alcohol, cold medications like Sudafed, matches (phosphorous from the tips), acetone, and/or paint thinner.

#### Sources:

CDC News Updates  
DEA Cooperative Clean-up Procedures  
"Dangers of Methamphetamine Labs"  
by Mona Vanek; Rural Northwest.com  
Attorney General Mike McGrath website  
Interview with Roland Mena, DPHHS

# COUNTY NEWS

## GROWTH POLICIES

JEFFERSON COUNTY held hearings in 2001, 2002 and expected to finalize the Growth Policy. However, the county planning board decided not to recommend a plan until after the conclusion of the Legislative session.

LEWIS & CLARK and CARBON COUNTIES also are waiting until the conclusion of the Legislative session to take action.

SWEET GRASS COUNTY worked during 2002 to finalize modifications to the proposed policy and has yet to review and update subdivision regulations before adopting the full policy. Public meeting was scheduled for Feb. 24.

BROADWATER COUNTY extended the deadline for public input after holding the first in a series of hearings.

MUSSELSHELL COUNTY reworked the 1973 Comprehensive Plan and presented the goals and objectives for the growth policy in the local newspapers. Public meeting was in February.

FLATHEAD COUNTY is being pushed by communities hampered in development from lack of growth policy.

GALLATIN COUNTY held a second annual County Community Ag Forum to hear views from producers regarding land use issues.

LAKE COUNTY will hold its final county-wide hearing for public comment on growth issues and planning this month.

YELLOWSTONE COUNTY public concerns are around issues of aesthetics, historic preservation, economic development and land use, natural resources and recreation, public services and transportation.

RAVALLI COUNTY put a sunset clause into its growth policy stating that if the public defeated the policy by vote in the 2004 general election, the policy would expire.

## DEVELOPMENT

STILLWATER COUNTY mail ballot vote in March will decide the proposed Beartooth Park and Recreation District.

SWEET GRASS COUNTY met with officials of a Russian company interested in taking over the majority interest of Stillwater Mining Company. If so, a new governing board will be composed of five Russians and four US members. One of the issues is employment, since Russian employees have three months off with pay every year.

GALLATIN COUNTY granted two conservation easements using funds from its Open Space Fund, federal land protection funds, private sources and landowners.

VALLEY COUNTY is exploring the development of the County's mineral rights, so that the county can produce and consume its own natural gas.

LINCOLN COUNTY officials, leaders and workers traveled to Missoula to meet with environmental groups who had filed suit against Kootenai National Forest. After a follow-up meeting, the environmental groups agreed to reconsider its lawsuit.

CASCADE COUNTY approved application for a Community Transportation Enhancement Program grant (CTEP) to preserve the log school building in Neihart. The Senior Center and the town of Neihart will also participate financially.

Both POWDER RIVER and ROSEBUD COUNTIES are rebuilding their stockyards.

ANACONDA-DEER LODGE COUNTY is waiting for a State decision on tax-exemptions for a proposed 31-unit apartment complex.

BROADWATER COUNTY is waiting for final approvals from BLM and Army Corps of Engineers for the Silos Bay Recreation Project on Canyon Ferry Lake. In addition, drought conditions may delay effort to begin excavation.

BEAVERHEAD COUNTY and City of Dillon are considering a joint project for a building located on railroad property.

GALLATIN COUNTY was surprised when a previously rejected golf course / 114 home-site development was moved up the waiting list for State water well permits.

## OTHER SUBJECTS

GRANITE COUNTY agreed to send letters to County Solid Waste Board members outlining the function of the board and cautioning members to operate within the scope of that authority.

PARK COUNTY met with MADISON COUNTY about private efforts to control weeds. Starting with a fundraiser to buy a weed sprayer, Madison County land owners along the Madison River have successfully organized a citizen-run weed committee.

YELLOWSTONE COUNTY fought a long distance carrier, Global Crossing, over an \$11,668 long distance bill built by thieves who hacked into the county system. The phone carrier agreed to discount to the balance of \$1,840. The city of Billings will pay the balance because the hacker went into the county system through a city extension.

JEFFERSON COUNTY has been asked to **declare a road as an "unmaintained county road" for purposes of speed limit enforcement only.** The road is too far below county standards to be accepted as a regular county road.

GRANITE COUNTY continues to battle financial problems with the hospital. Corrective actions with deadlines have been approved. If there is a closure, the hospital and nursing home in Philipsburg and the clinic in Drummond would be affected.

CASCADE, FLATHEAD, GALLATIN, LAKE, LEWIS & CLARK, MADISON, ROSEBUD, SANDERS, STILLWATER AND YELLOWSTONE COUNTIES are all **affected by Pacific Power and Light's protests** on property taxes for electricity generating plants and dams. The protests range from 4.22% to 85.67% of the tax.

HILL COUNTY Road Department was recognized for creating a special concrete platform for supporting cattle guards. The design prevents the guards from filling with gravel and from developing potholes.

# COUNTY ROAD EASEMENTS ON STATE LANDS

## Submitted by Lisa Axline and Dan Bushnell, DNRC

Thousands of power lines, water and sewer lines, natural gas lines and county or private roads cross Montana's 5.2 million acres of state school trust land. However, many of these utility lines and roads do not have legally filed easements to cross this land. Utility companies, private businesses, local governments and citizens have an opportunity to gain legal deeded easements for those utilities and roads that were put in place prior to 1997. The process involves applying for an historic easement during a current five-year grace period.

Through the years, county roads have existed on state school trust lands (state lands). Some roads are legally cited with an easement by the State Board of Land Commissioners (Land Board). Others roads were built through the petition and creation process without approval of the Land Board. Over time, the legitimacy of the county roads on state land without benefit of a legal easement document has surfaced.

A legal easement for a county road does not exist unless approval has been given by the Land Board and the appropriate state trust fund has been compensated for the easement interest. Historically, most counties have purchased some legal easements from the state. Unfortunately, the majority of county roads on state land were never legally cited through the easement process.

To the public, this means that all the landowners who rely on those county roads for access do not have legal, recorded access that is insurable by the title industry. For those individuals who rely on county roads for access, the legality of that access becomes very important at the time of sale of their property. As this trend continues to grow, the DNRC anticipates an increase in the number of easement applications for access.

In the 1997 legislative session a right-of-way bill was passed which set up a process to seek permanent easements for "historic" access roads across state lands.

The efforts of the legislature to secure low cost easements, by establishing value of an easement using land values 20+ years old, earned this bill a trip through District Court and the Supreme Court. It was found to be in violation of the Enabling Act and the Montana Constitution. Under these two, an easement interest can be granted only by the Land Board upon payment of the

fair market value of the land at the time an easement is granted.

In the 2001 session, a revision removed the reference to outdated land values and, most importantly, opened the application process not only to access roads for individuals, but also for counties.

The process was simplified. One important aspect of the historic right-of-way law is that the application requirements are not as stringent as they are for other types of access roads. Many of the past requirements, such as a certified survey, will not

be required. Counties need only prove the existence of the road in its current location prior to 1997. Survey standards have been greatly reduced and settlement of damages with the state surface lessee is waived. However, the statute is not intended to be a permanent law and will expire on October 1, 2006. Those entities without a legal easement need only to submit an application packet to their local DNRC office.

At issue seems to be the costs associated with purchasing an easement from the state. This is not an uncommon plight to all applicants for easements. However the ruling of the Supreme Court is clear that monetary compensation must be paid to the state trust funds which are encumbered by these easements.

Computer printouts were recently sent to each county which detailed where county road easements are legally cited on state trust lands through the acquisition of a permanent easement from the state. The DNRC does not have any intention of closing or otherwise barring individuals from using existing county roads without legal easements. However, if county roads do not have legal easements, the resulting action once again becomes an issue for the private landowner.

**"We have two main reasons for moving aggressively with the historical easement process. First, we need to know where the historical encumbrances exist on all tracts of state land. This allows us to establish a baseline of land use data in order to make informed decisions on future projects. Secondly, by securing legally established easements across state land, counties and individuals can protect their property interests,"** said Lisa Axline, DNRC Right-of-Way Clerk.

A legal easement for a county road does not exist unless approval has been given by the Land Board and the appropriate state trust fund has been compensated for the easement interest.

Unfortunately, the majority of county roads on state land were never legally cited through the easement process.

For those individuals who rely on county roads for access, the legality of that access becomes very important at the time of sale of their prop-

Counties without a legal easements need only to submit an application packet to their local DNRC office.

## IMPLEMENTATION GRANTS FOR 9-1-1

The Public Safety Foundation of America (PSFA) distributes funds to assist public safety communication agencies. Grants for wireless 9-1-1 projects are to be released in an upcoming four-round series. Two Montana agencies received grants in the initial round of funding.

The application process involves a pre-application questionnaire to verify that the applicant's project is within PSFA funding priorities. The Pre-application Questionnaire and the grant guidelines are available online at [www.PSFA.US](http://www.PSFA.US)

If the pre-application is accepted, the agency is assigned a grant number and a full month will be allowed to complete the application.

PSFA is encouraging electronic submissions of grant pre-applications. In addition, the pre-application can be requested by email ([PSFA@APCO911.org](mailto:PSFA@APCO911.org)) or by phone 386-322-2500 or by FAX 386-944-2730.

### Round One

Pre-application due March 7  
Application due April 4

### Round Two

Pre-application due June 6  
Application due July 3

### Round Three

Pre-application due Sept. 5  
Application due October 3

### Round Four

Pre-application due Dec. 5  
Application due Jan. 2

## FREE ONLINE TRAINING PLANNING FUNDAMENTALS

### Planning Fundamentals

is an online course of 22 lessons being offered to 50 individuals in Montana at no charge. The course introduces planning vocabulary, concepts and processes for local government officials and members of planning and zoning boards. The lessons are supplemented with audio clips, case studies and links to other web-based resources.

This series is presented by the Lincoln Institute of Land Policy, Cambridge, MA, through arrangements by Montana Department of Commerce Community Technical Assistance Program.

There are two conditions to participate in the training. First the person must complete the entire course. Second, the person must complete and return an evaluation form upon completion of the course.

The Lincoln Institute is an internationally acclaimed non-profit educational institution established in 1974. Its mission is to study and teach land policy, including land economics and land taxation.

People interested in taking the course should contact:

Gavin Anderson  
Community Technical Assistance  
Montana Department of Commerce  
PO Box 200523  
Helena, MT 59620-0523

406-841-2783

Email: [gavina@state.mt.us](mailto:gavina@state.mt.us)

## Attorney General OPINION

Volume 50 No. 1

Question:

Where a city-county planning board has been established under MCA 76-1, may the city and county enter into an agreement to provide that the planning director and staff are subject to the supervision of the city manager rather than the planning board?

Held:

A city-county planning board established under MCA 76-1 may enter into a contract with the city to provide the professional services of a planning director and staff that are subject to the supervision of the city manager rather than the planning board.

Requested by:  
Brent Brooks



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# NACo INFORMATION

## The H.R. Doctor Is In

Now, Where Did I Put My Brain?

Here are several examples about what happens when public employees appear to lose their brain cells **or can't remember where they put them.**

A firefighter reported for work smelling of alcohol and displaying other symptoms of possible impairment. The matter was not brushed off amidst comments like **"that's just Joe" or covered up by buddies in the station.** Rather, it was reported to the chief. The chief followed agency protocol by ordering **the firefighter to report to the county's medical facility for testing to determine if drug or alcohol impairment was present. (That's the good news.) The chief went on to order the employee to get in his car and drive to the Hospital Emergency Room for the test.** The car was not just any car, but a bright red one, complete with official markings, roof lights, sirens, etc. Only by the most amazing of miracles and a temporary suspension of **Murphy's Law did the employee arrive at the hospital without killing innocent people.** The employee failed the test — however, the fire chief also should have been ordered to report for a brain scan to determine whether, in fact, his was working at the time he gave that order.

In another case, a recreation employee had an accident in an agency truck. He was sent for a routine post-accident substance abuse test and tested positive for marijuana. He repeatedly and vehemently denied that he used marijuana or any other drug. However, he went on to state that he used it to purge his bowels. The union position in the pre-disciplinary hearing was that the employee should not be disciplined because the public agency had an obligation to be culturally sensitive. In his

culture, the union representative asserted, the use of marijuana for bowel purging purposes was common.

Then there was the case of the two cafeteria workers who violated the workplace violence policy by getting into an altercation in the middle of lunch. The altercation deteriorated to the point where the weapons of choice for cafeteria workers were brandished and used — namely, food. The food fight included rolling around on the floor and was apparently a sight to behold, since it took a while for any manager in the room to finish eating before intervening to separate the combatants and to **implement the agency's policies. No matter how much energy an agency puts into conducting training on critically important policies like workplace violence prevention and intervention, there appear to be some managers and employees who are in a state of permanently being "out to lunch".**

In another case, a public works employee got so mad at the director that he threatened to go out to his car and get his gun. This well-trained and thoughtful director responded by saying, **"Oh yeah, I'll go out to my car and get my gun!" This management employee represented the agency not only by failing to defuse the threat and contact law enforcement, but by participating in the escalation of the incident.** Fortunately, other management personnel intervened and delivered sanity back into the situation.

Imagine being in a quiet residential neighborhood and having a large 40-passenger county bus stopping at night in front of one of the houses for about 30 minutes, while leaving the engine running and the lights on in the bus. This was not the normal route the driver was supposed to take. Nor was **the brief poker game at the friend's**

house an appropriate thing to do while passengers were waiting.

Sadly, the HR Doctor could continue with other examples including **the sheriff's deputy who turned off his radio whenever he received a call that he did not like or the two county employees disciplined for misusing agency property—a county picnic table used for their sexual trysts while on duty. However, I won't do that.** The objective of these examples is to demonstrate the clear need for continuous vigilance against an outbreak of Sudden Agency Lunacy Syndrome (SALS). The best treatment for this increasingly prevalent disease is prevention.

The tools of prevention for SALS are clear policies, repeatedly communicated in multiple and ongoing ways. One memo posted on some **remote bulletin board doesn't do it!** To be effective, this policy vaccination must be coupled with supervisory and management responsibilities to lead **constant "anti-lunacy patrols" to aide in the delivery of public services.**

As with other human disease syndromes, prevention does not stop every occurrence. From time to time, all of us forget where we put our reading glasses, and sometimes also where we left our brains at that moment. The trick is to make sure you find your brains prior to taking actions in matters of government services. In case you have trouble locating your brain, try a phone call or visit to **human resources or to the HR Doctor's Web site.**

The HR Doctor wishes you all the best.

All the best,  
Phil Rosenberg  
The HR Doctor is at [www.hrdr.net](http://www.hrdr.net)

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