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## EMPLOYEES' EXPECTATIONS OF PRIVACY WHEN USING COUNTY-PROVIDED ELECTRONIC DEVICES

*By: MACo Chief Legal Counsel Mike Sehestedt and  
JPIA Personnel Services Administrator Jack Holstrom*

A recently-decided case by the United States Supreme Court deals with the Fourth Amendment to the United States Constitution and a governmental employee's expectation of privacy regarding governmental-issued electronic devices.

As you may recall from your civics classes, the Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

City of Ontario v. Quon, 560 U.S. \_\_\_\_\_ (2010), the facts are relatively simple. The City of Ontario had issued new pagers which were able to send and receive text messages to its SWAT team police officers. When officer Quon and others exceeded their monthly character limits for several months running, the Chief sought to determine whether the existing limit was too low, i.e., whether the overages were for personal messages. In the process of reviewing these messages, the Chief found that officer Quon had transmitted 450 messages in one month, but only 57 were work related. The other messages, many of which were sexually explicit, were to his wife, girlfriend, and another officer, and many were transmitted while on duty. Quon was disciplined and filed suit alleging that the City violated his Fourth Amendment rights.

In reading this case, we had thought that the Court would decide the case on the basis of whether Quon had a reasonable expectation of privacy in his text messages. However, the Court completely ducked this issue by holding that a "broad holding concerning employees' privacy expectations vis-a vis employer provided technological equipment might have implications for future cases that cannot be predicted." They held that it was preferable to dispose of the case on the basis of whether the search was reasonable.

The Court then determined that even if there is a reasonable expectation of privacy regarding text messages and a search warrant is normally required to review these messages, an exception exists when the "special needs of the workplace" justify the search. The Court held that the search of the text messages was reasonable for the legitimate work-related purpose of ensuring that employees were not being forced to pay out of their own pockets for work-related expenses, or on the other hand that the City was not paying for extensive personal communications.

In summary, what this case seems to say is that a government employer must be able to show a legitimate work-related purpose to review electronic communications of its employees before conducting a search of these materials.

The question of whether an employee has a "reasonable expectation of privacy" regarding electronic devices provided by a governmental employer has been left for another day. However, you as an employer should in all cases provide policies, signed by your employees, which explicitly state that there is no expectation of privacy and that the devices and information sent and received on them are the exclusive property of the employer. Also, the message regarding no expectation of privacy should be reaffirmed by supervisory statement and training.



# MACo News

## MACo Annual Conference Registration is open!

It's time to register for MACo's 101<sup>st</sup> Annual Conference which is going to be held at the Crowne Plaza in downtown Billings, Yellowstone County, September 26<sup>th</sup> through the 30<sup>th</sup>.

If you haven't already visited our website and registered online to attend the conference, then please do so to help us better estimate attendance.

Early registration ends September 12th, and online registration ends September 19th.

If you have any questions, please contact Karen Houston, MACo Meeting Planner, at 449-4360 or [khouston@mtcounties.org](mailto:khouston@mtcounties.org).

### Draft Agenda

#### Sunday, Sept. 26th

8:30 am - 2:00 pm Golf for anyone interested  
Noon - 2:00 pm JPA Trustees Meeting  
2:00 pm - 3:00 pm Resolutions Committee Meeting  
3:00 pm - 5:00 pm Board of Directors Meeting  
5:30 pm - 10:00 pm President's Reception and Dinner

#### Monday, Sept. 27th

7:00 am - 8:30 am No-Host Prayer Breakfast  
8:30 am - 10:00 am MACo Opening General Session  
1:30 pm - 3:00 pm General Session/Health Care Reform  
4:30 pm - 6:00 pm Urban Counties Meeting  
4:30 pm - 6:00 pm Hard Rock Mining Counties Meeting  
4:30 pm - 6:00 pm Oil, Gas & Coal Counties Meeting

#### Tuesday, Sept. 28th

7:00 am - 8:30 am JPIA Trustees Breakfast Meeting  
8:30 am - 10:00 am MACo Committees

#### \*\*\*\*\* Workshops \*\*\*\*\*

1:30 pm - 2:30 pm A. Findings of Fact & Conclusions of Law  
B. TBA  
3:00 pm - 4:00 pm A. TBA  
B. The Top Ten Ways to Guarantee Employee Lawsuits

\*\*\*\*\*

4:00 pm - 5:30 pm MACo Health Care Trust Members Annual Meeting  
4:00 pm - 6:00 pm 6 County Fort Peck Lake Group Meeting  
4:00 pm - 6:00 pm Montana Coalition of Forest Counties Meeting

#### Wednesday, Sept. 29th

7:00 am - 8:30 am Health Care Trust Trustees Breakfast Meeting  
7:30 am - 8:30 am Reservation Counties Breakfast Meeting

#### 8:30 am - Noon **General Session**

11:00 am-11:30am How to lobby the legislature effectively  
Noon - 1:30 pm Exhibitor/Sponsor Appreciation Lunch  
1:30 pm- 5:00 pm Closing General Session  
Election of Officers  
Conference Site—2012  
Resolutions—Final Action

5:30 pm Social & Annual Banquet

#### Thursday, Sept. 30th

7:30 am - 9:00 am New Board of Directors' Breakfast Meeting

### Congratulating Karen Houston



1990

2010

For her 20 years of service to  
Montana Counties

**Thank you Karen!!!**



# MACo News



## Got Game ?

Come and join us for a round of golf during the MACo Annual Conference, which is being held

**September 26, 2010**

Tee times start at 8:30 am

Location: Billings' Exchange City Golf Course  
19 S 19<sup>th</sup> Street West

Fees: 18 holes - \$17, Cart - \$15

For more information or to sign up please contact:  
Maureen Davey, Stillwater County Commissioner

Ph: 406-322-8010 or email — [mdavey@stillwater.mt.gov](mailto:mdavey@stillwater.mt.gov)

Any golf prizes are appreciated



## Texting is NOT a choice! For 9-1-1 use your voice!

*By Becky Berger, State of Montana 911 Program Manager*

Text messaging and instant messaging are becoming much more common methods of communicating than the traditional two-way voice telephone call. Nowadays, many citizens expect to be able to contact 9-1-1 centers from any device, anytime, anywhere. Yet, traditional 9-1-1 technology in Montana **cannot** transmit text information to 9-1-1 centers.

In an effort to educate citizens in Montana, we've been asked to help spread the word that emergency texts, instant messaging, or e-mails will **NOT** reach our 9-1-1 centers. During an emergency, persons reporting an incident must dial 9-1-1. If the caller is unable to speak or fears giving away their hiding place, 9-1-1 call takers have the training to use 'silent call protocol' to get you help.

In Montana, forty-one 9-1-1 Centers have deployed the technology to be able to determine the location of calls from mobile devices. Deployments for the last 12 centers are underway and should be completed within six months.

As society becomes more and more mobile and dependent on communication systems that are not stationary or tied to a physical address, law enforcement, fire fighters, and other public safety service providers need improved tools to track the location of emergency callers. The State of Montana 9-1-1 Program applied for and received Federal grant funding that will continue to modernize the state's 9-1-1 systems statewide.

"It's all about making the state a safer place and giving emergency responders the tools needed to do their jobs effectively," said Becky Berger, 9-1-1 Program Manager for the State of Montana.

We urge you to tell those friends and family members who use cellular devices that text data will not reach Montana's 9-1-1 centers. Please stress **"TEXTING IS NOT A CHOICE! FOR 9-1-1 USE YOUR VOICE!"** Call 9-1-1 to report emergencies. Thanks for your help.

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# MACo News

## McCone Courthouse under construction

*Circle Banner*

The McCone County courthouse is currently undergoing construction to replace the existing heating system. The old coal boiler and heat registers surpassed their useful life expectancy. Replacement parts were obsolete and had to be specially made. The steam system was inadequate throughout the building, causing some offices to overheat, while many other offices and rooms received little or no heat. Most of the wall air conditioners had been purchased in the late 1980's and have outlived their intended use.

An energy efficient ground source heating, cooling, and ventilation system is being installed. The project includes the drilling of 24 vertical bore wells 200-300 feet deep and the installation of a closed-loop well field with piping to the building. Water-to-air heat pumps will be installed in the building to provide

heat during the winter months and cooling during the summer months.

Work on this project began the first week of May with asbestos removal followed by the removal of the boiler. By the end of June, the 24 wells will have been drilled. Most of the air conditioner units, heat register, and pipes have been removed and patchwork is almost completed. Installation of the heat pump piping throughout the building has begun. This project will be completed by August 31, 2010.

Approximately 50% of the funding for this Heating, Ventilating, and Air Conditioning (HVAC) project will come from 2 grants: House Bill 645, the Montana Reinvestment Act Local Government Infrastructure Grant Program through the Montana Department of Commerce and an Energy Efficiency and Conservation Block Grant through the Montana Department of Environmental Quality under the American Recovery and Reinvestment Act.

The project general contractor is Star Services, Inc. from Billings, MT; NorPak from Billings, MT; and environmental contractors from Billings, MT.



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# MACo News



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## Emelia's Safety Corner

Safety tip of the Month

By: Emelia McEwen, MACo JPA/JPIA Senior Loss Control Specialist

### **Avoid 5 lifting Mistakes that can Lead to Injuries**

Back injuries resulting from lifting tasks happen far too often. However, many of these injuries can be prevented by maintaining proper body mechanics. Employees can avoid back injuries by avoiding the following five common lifting mistakes:

- 1. Bending forward at the waist with legs straight.** When you bend forward at the waist with legs straight, you require the use of the muscles in your lower back, and the weight of the object being lifted will include the weight of your upper body.
- 2. Using fast, jerky motions.** This puts stress on your lower back muscles and may cause sprains.
- 3. Bending and twisting when lifting.** This forces the spine into a position of weakness and removes the back's natural "S" curve of strength.
- 4. Handling the load too far away from the body.** The back is like a lever system. The distance between the load and the point of support can be considered the distance between the body and the object being lifted.
- 5. Failure to plan the lift.** You need to check the path of travel to be sure it is clear. Size up the load, and if it is too heavy or bulky for you to lift alone, ask for help.

### **MACo JPIA**

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# MACo News



## State of Montana

Brian Schweitzer, Governor

### Department of Commerce

Dore Schwinden, Director



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Business Resources Division  
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E-mail: [karylt@mt.gov](mailto:karylt@mt.gov)  
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Herb Kulow; Portfolio Manager  
Board of Investments, Infrastructure Loan Program  
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Website: [housing.mt.gov](http://housing.mt.gov)

**Local government financing:**

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Louise Welsh; Bond Program Officer,  
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# MACo News

## Hotel / Motel Scam

You arrive at your hotel and check in at the front desk. When checking in, you give the front desk your credit card (for all the charges for your room). You get to your room and settle in.

Someone calls the front desk and asked for; example Room 620 (which happens to be your room). Your phone rings in your room. You answer and the person on the other end says the following, 'This is the front desk. When checking in, we came across a slight problem with your charge card information. Please re-read me your credit card number and verify the last 3 digits on the reverse side of your charge card.'

Not thinking anything you might give this person your information, since the call seems to come from the front desk. But actually, it is a scam of someone calling from outside the hotel/front desk.

If you ever encounter this problem on your vacation, tell the caller that you will be down at the front desk to clear up any problems . . . Then, go to the front desk and ask if there was a problem. If there was none, inform the manager of the hotel that someone called to scam you of your credit card information acting like a front desk employee.

Here is what SNOPEs says: <http://www.snopes.com/fraud/phishing/hotel.asp>



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# MACo News

## Interim Justice Fills in Big Shoes



Photo by Eliza Wiley, Independent Record

### Lewis & Clark County

**Justice Wally Jewell steps down; new justice election in November** – by Allison Maier, Independent Record

City court veteran Karen Bryson was sworn in as the interim justice of the peace for Lewis and Clark

County. Wallace Jewell, who has held the justice position since 1989, announced early this year that he planned to leave the bench this summer.

Bryson will hold the post until January, after a new justice is elected to the position in November. Former Helena city commissioner Sandy Oitzinger and Montana Highway Patrol Sgt. Mike Swingley are facing off for the job.

Bryson served as clerk of the Helena City Court and as a substitute judge before retiring in 2001. She said her experience working in both positions gives her the knowledge necessary to help the county until the next justice takes over.

The county interviewed four people to fill the interim position—Bryson, retiring attorney Bob Throssell, substitute East Helena Judge Tori Marion and former Montana union representative Mark Langdorf. County Commissioner Mike Murray said all of the applicants were good candidates for the position, but in the end Bryson was selected because of her familiarity with the local courts.

“She knows the function of the court and the law,” he said.

All misdemeanor offenses that occur within Lewis and Clark County go through the Justice Court, and it’s the place where the majority of felony cases in the county are initially filed.

Bryson grew up in a “law enforcement family,” which she said is probably what drew her to the city court offices in May 1970. She likes the challenges that come with working in the legal field, but she also likes that she has the chance to help people.

Even though a lot of the people the court sees are just citizens in for traffic violations, criminal cases come through as well, and Bryson said she always hopes she can help the people involved change their ways.



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# MACo News

## Western Interstate Region Report - Reno, Nevada

By Lesley Robinson, Phillips County Commissioner

Aron Reif from the Federal Lands Highway office, Federal Highway administration spoke. There are 590,000 miles of Federal Highway lands. They are the liaison for US Fish and Wildlife Service, BLM, Forest Service etc. There are 660 employees with three field offices. The roads consist of 10,000 miles of Park roads with a 240 million dollar budget, 5,000 miles of Refuge roads with a 29 million dollar budget. The Forest Service has 30,000 miles of road that are primarily owned by state and local governments.

Jeanne Higgins, Forest Service supervisor for the Humbolt-Toryabe National Forest talked about how California and Nevada merged their forest management.

Marc Kelley from the Partnership for Rural America Campaign gave us an update on SRS. 29 US Senators sent a letter to President Obama requesting that he include a long term reauthorization of the Secure Rural Schools and Communities Self Determination Act (SRSCA) and the concomitant funding in the fiscal year 2012 budget request to Congress.

Senator Baucus and Senator Tester both signed the letter. If you would like more information on SRS, the website is [www.partnershipforruralamerica.org](http://www.partnershipforruralamerica.org).

Ryan Yates spoke about HR 5580. It is the National Monument Designation Transparency and Accountability Act of 2010. Congressman Rehberg is a cosponsor of the bill. This would amend the act popularly known as the Antiquities Act of 1906 to require certain procedures for designating national monuments and for other purposes.

The fall WIR board meeting will be held in Helena October 12,13 and 14<sup>th</sup>. Bids for future WIR spring meetings were considered. In 2012 it will be in Santa Fe, New Mexico. Flagstaff Arizona will host the 2013 meetings.

Chris Rogers from Nebraska, who was elected 2<sup>nd</sup> vice president of NACo said something worth repeating. His mother taught him to leave things better than when you came.



## Gallagher

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# MACo News

## MACo Employee Profile

### Spouse's name and time together:

Jim- 21 years

**Children's name and ages:** Brittany 19, Sierra 15. They, along with my dog "buster", are the sunshine of my life.



*Laurie Goltry*

**Occupation and years at current occupation:** My current position at MACo is in the Health Care Trust as an Enrollment, Eligibility and Member Services Assistant. I have been in this position for almost 3 years.

**Profession before current occupation:** I began working at MACo in the Claims Dept on 9/11/06 as a Claims Assistant. Prior to this position I ran a Pampered Chef home based business for 10 years along with being a stay at home mom.

**Education:** I graduated from Mohonasen High School in Schenectady, NY (a long time ago), I completed several business/insurance related courses both in junior college and various other venues.

**Biggest challenge you've ever faced:** Parenthood

**Two people, alive or not, you would like to have dinner with:** All four Grandparents that I never got to meet.

**Surprising fact about you:** I am a "campfire dutch oven" cooking enthusiast

**Most adventurous thing you've ever done:** Moved from Schenectady, NY to Carlsbad, CA 1 year after High School and lived there for about 30 years. The second is moving to Montana 5 years ago.

**Favorite TV show:** "Dancing with the Stars", "Bachelorette/Bachelor" and "That 70's Show"

**A turning point in your life:** Parenthood

**A book you've read twice (or more):** Chicka, Chicka, Boom, Boom (read over and over to our girls)

**The job you wanted at age 18:** Stewardess

**Favorite movie:** The Twilight Series

**Person(s) who had the biggest influence on you/your life, and why:** My brother Terry because he is very fun, easy going, and has enjoyed an amazing marriage to his wife Mary. I prayed to have the kind of marriage they had. Then I met Jim, who has given me so much joy over the years, prayer answered!

## Commissioner Profile

### Spouse's name and time together:

Nancy Jean- 36 years

### Children's name and ages:

Kevin 33 & wife Summer  
Susanne 30 and husband Mathew Hill



*David Schultz*

**Occupation and years at current occupation:** Full time as County Commissioner for 10 years

**Profession before current occupation:** Rancher

**Education:** Carroll College. 1 year

**Biggest challenge you've ever faced:** Losing both Dad and Mom in 2001 in 100 days

**Two people, alive or not, you would like to have dinner with:** Abe Lincoln and my Grandfather

**Surprising fact about you:** I was married in a wheel chair and spent 10 days of my honeymoon in the hospital

**Most adventurous thing you've ever done:** Put my wife in an airplane so she could jump out

**Favorite TV show:** Denver Bronco Football

**A turning point in your life:** When we sold our ranch and I ran for office

**A book you've read twice (or more):** The Client

**The job you wanted at age 18:** To race motorcycles

**Favorite movie:** All the President's Men

**Person(s) who had the biggest influence on you/your life, and why:** My Grandfather, he had a special way of offering me insight in many life decisions. Looking back I should have paid closer attention to his words.

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# MACo News

## NOTICE OF SALE OF COUNTY PROPERTY

The County Commissioners of Wibaux County will conduct a public auction for the sale of two 7740S New Holland/Ford tractors with attached five foot rotary cutter mowers. One tractor is a 1997 model. One tractor is a 1995 model. The 1995 tractor and mower has an appraised value of \$17,745.00. The 1997 tractor and mower has an appraised value of \$19,546.00. Pursuant to Section 7-8-2213, Montana Code Annotated, the Board of County Commissioners may not accept a bid for the property at less than 90% of the appraised value.

Said sale will be conducted in the Wibaux County Courtroom on the 16<sup>th</sup> day of August, 2010, at 2:00 pm, MDT. For further information concerning the tractors and mowers you may contact the Wibaux County Commissioners at 203 S. Wibaux St., P.O. Box 199, Wibaux, MT 59353, (406) 796-2431; or Kim Bacon, Wibaux County Road Foreman, at (406) 796-2443.

## William James Speare, 1929 - 2010

*Billings Gazette*

William James Speare, 81, of Billings, died July 12, 2010 of respiratory failure at St. John's Lutheran Home Heritage Place.

William Speare was born Feb. 14, 1929, to Edwin C. and Henrietta Troup Speare of Laurel.

He attended MSU in Bozeman and then transferred to the University of Montana, where he graduated from Law School in 1952.

In 1958, he was elected Yellowstone County Attorney, re-elected twice and served through June 1965. In October 1979, Bill was appointed as District Judge for the 13<sup>th</sup> Judicial District, and was re-elected twice until he retired in January 1995. He was active in the Yellowstone County Bar Association, serving a term as president and received its Lifetime Achievement Award; Montana State Bar Association, serving a term as secretary; Montana Judges Association; and the Democratic Party.

## Keith Paul Guelff, 1928 - 2010

*Ranger Review*

Keith Paul Guelff, after 82 interesting years, moved on to his next great adventure on Friday, July 2, 2010. He was a genuine individual who lived his life fully. Keith realized his dreams and adventures and urged his family to live the same

Keith was born on Feb. 18, 1928, in Glendive, the son of Michael Nicholas and Florence (Russ) Guelff. He was raised and educated in Glendive, graduating from Dawson County High School with the class of 1946.

Keith won the hand of Hazel Margaret Walker on March 3, 1947. He attended and graduated from Carroll College in Helena, MT with a Bachelor of Arts Degree in Bio-Chemistry. After college he returned to the Glendive area. His first job after graduating college was teaching at a rural school. When he moved on, he continued to teach in his own unique way, which was by doing. Keith taught and talked to anyone willing to listen and learn.

Keith served as Dawson County Clerk and Recorder before he and Hazel purchased a farm 8 miles west of Glendive where he got to do one of his favorite things, watching things grow.



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# MACo News

## New W-2 Reporting Requirement

By Pam Walling, MACo Health Care Trust  
Marketing/Member Services Rep.

The Labor Department recently reported that public employees have better benefits than private sector employees. Almost 90% of the premium for health policies to cover public workers is paid by state and local government employers as of March, 2010. This is a trade-off as government employers typically are unable to match the private-sector salaries. The value of these benefits will become more obvious for employees once they are reported on their W-2.

A new reporting requirement starting January 1, 2011, mandates that employers must report the value of benefits provided to the employee on the W-2 form. This new requirement is part of the Patient Protection and Affordable Care Act (PPACA) that was enacted in March, 2010. The reportable values apply only to employer-sponsored plans and the aggregate cost of those benefits.

These values must be disclosed on the W-2 form; however, they are not considered taxable income. The first W-2 form that will include the aggregate cost of group health plan benefits provided will be the 2011 form provided to the employee in January, 2012.

### Attention HCT Members

Your Summary Plan Documents  
were mailed out on  
July 29th

Please be on the lookout for them

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Lunch money saved per pay period	\$20
Pay periods per year	x 26
<b>Total lunch money saved per year</b>	<b>\$520</b>
<b>Savings over 30 years with inflation</b>	<b>\$29,164*</b>
<b>Invested over 30 years</b>	<b>\$92,015*</b>

Investing involves risk, including possible loss of principal.

(\*) Amounts are hypothetical and for illustrative purposes only. (\*\*) Based on average investment return of 8%. (\*\*\*) Assumes an employee invests \$20 per pay period. (\*\*\*\*) Assumes an employee invests \$20 per pay period. (\*\*\*\*\*) Assumes an employee invests \$20 per pay period. (\*\*\*\*\*\*) Assumes an employee invests \$20 per pay period.

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# MACo News

## National Association of Counties Annual Conference – Reno, Nevada

*By Vic Miller, Finance and Intergovernmental Affairs Committee*

A number of us travelled to Reno by van, leaving Helena on July 14<sup>th</sup> and arriving in Reno on July 15<sup>th</sup>.

Friday, the subcommittee meetings met and solidified our work from the Legislative Conference held in March. In addition to ratifying our earlier work, an emergency resolution concerning calling for Congress to balance the federal budget was introduced into four different committees at the insistence of leadership. I voted against the resolution on the grounds that it appeared to me that balancing the Federal budget is outside of our parameters when all other resolutions we had passed since March dealt with asking the Federal government for assistance. I felt it put our legislative aides in a predicament to present our legislators with a strongly-worded resolution at the same time they were asking for assistance. Needless to say, the resolution passed out of subcommittee, and then passed out of full committee by a vote of 14-12. Other committees went so far as to not even consider the resolution.

The first general session was held Sunday, July 18, and featured Robert Reich, noted labor economist. Having listened to Reich's comments before, I was stricken at the level of understanding and grasp he has on the national and global economy. While his overall predictions for a quick recovery from our current recession was dismal, he noted "light at the end of the tunnel" and indicated certain indices that would suggest a turnaround in the economy that would start in late 2011 or 2012-2014.

That afternoon, I went to two workshops on voter redistricting and "County Government Works," which is incoming President Whitley's initiative. Now that the census is over and state legislative redistricting will begin, counties will be in the situation of redistricting with a com-

pleted change, if any, in 2014. For those counties that have not looked at their county districts, might I suggest that they take the time to review those districts, as established by State Statute, in the event that their respective districts may need changes.

President Whitley's initiative of "County Government Works" is a positive approach to what we do as your county leaders. In line with this initiative, President Whitley is encouraging counties across the nation to let the public TRULY know what we do and what we contend with on a daily basis. Additionally, as part of this initiative, county officials are encouraged to work with young people, in and out of the classroom, to educate them on what we do in this complex society. The role of county officials has changed dramatically and will continue to evolve. This is apparent as budgets and revenues tighten.

On Monday, July 20, western counties get together for a breakfast to get to know each other and share issues common to western counties. The brainchild of our Alaskan friends, this annual breakfast has turned out to be a real success.

The morning forum I attended had to do with lessons learned from disaster recovery. In addition to updates on flooding in Iowa, the major topic, obviously was the Gulf disaster. For me, the chance to visit with and hear from county officials from all of the Gulf states was beyond interesting and it makes you realize that the disasters may be different, but the process is the same script. For those of you who follow disasters on the news, I would tell you that getting firsthand experiences on what is really going on is well worth the workshop.

*Continued on page 14*



# MACo News

The second forum of the day was on the topic of civility. It is obvious across the nation that people are not as civil to each other. While no one has the answer for this upswing in violence and unrest, it was well worth seeing how other county governments are dealing with public uproars and part of the workshop dealt with instances of violence amongst actual decision makers. Ideas on how to maintain and reach civility were discussed.

The general session of the day featured Joe Dittmar who was a survivor of the World Trade Center incident. His heart wrenching story was well worth listening to and made you realize the courage of emergency workers and selfless sacrifice of so many that day.

The final workshop I attended on Tuesday morning was dealing with the media. Three experts shared their perspectives in dealing with TV, radio, and newspapers. I can honestly say that our relationship in Montana is whole lot friendlier than other parts of the nation. The media in this neck of the woods is very much in tune with getting the story right as opposed to looking for sensational stories.

Our final business session met and passed our resolution packages for the upcoming year and voted in Chris Rodger from Douglas County, Nebraska as our incoming Second Vice President.

Our van departed Tuesday afternoon and arrived back in Helena on Wednesday on July 21.

While attendance at this year's conference was approximately 20% down in numbers from past years, I was impressed with the Montana delegation for their diligent work. While I would not suggest that other states had less than enthusiastic attendance at committee meetings, Montana's delegation was involved and enthusiastic about getting the very important work done first.



## Collective Bargaining Mandate Passes House

*By: Jeff Arnold, NACo Deputy Legislative Director*

In early July, the House passed the Public Safety Employer-Employee Cooperation Act (H.R. 413). The bill was attached to the Iraq-Afghanistan War Supplemental Appropriations legislation, (H.R. 4899), and may soon be considered in the Senate.

The bill mandates that state and local governments enter into collective bargaining agreements with their public safety employees and provides minimum collective bargaining standards for state and local police, firefighters and emergency medical technicians personnel.

The legislation has serious fiscal and administrative implications for counties because no funding is provided for state or local implementation.

Under H.R. 413, every state's laws must, at

a minimum, provide the following bargaining rights to public safety employees:

- Grant public safety officers the right to form and join a labor organization that is, or seeks to be, recognized as the exclusive bargaining representative of the employees.
- Require public safety employers to recognize the employees' labor organization and agree to bargain with the union.
- Provide for bargaining over hours, wages, and terms and conditions of employment, and
- Require enforcement through state courts of all rights, responsibilities and protections provided by state law.

NACo has joined with the National League of Cities, the National Sheriff's Assoc., the International Assoc. of Chiefs of Police, International Public Management Assoc.-Human Resources and other organizations to oppose this legislation.

**Contact your Senators!**



# Around Our Counties

## Anaconda-Deer Lodge County

The next time you need to throw an old couch or chair away, you probably won't have to drive to Rocker, instead you might be able to drop it off in a new "large item" bin at the Anaconda Landfill, east of the Smelter City. Anaconda-Deer Lodge County Commissioners approved Tuesday night placing a transfer station at the Anaconda Landfill as a pilot program for one year for the disposal of items like old furniture like mattresses, dressers, etc.

No household garbage or electronics will be accepted at the transfer station and contractors are not allowed to use it. The county has to extend a loading ramp and build a retaining wall before the transfer station will be up and running. The county also has to finalize a fee to have the large-item container hauled to the Butte-Silver Bow Landfill for disposal. The program will be paid for through the solid waste fees the county collects.

For more information about the transfer station, call Heather Edwards at 563-4000.

## Beaverhead County

County Commissioners and friends dedicate bike path. The paved path stretches 1.1 miles from Hwy 41 to the junction of Laknar Lane and Shuler Lane. The county dedicated \$128,400 from federal CTEP monies and

contributed \$20,500 in local matching funds. Commissioner Mike McGinley explained that the project would not have been completed as cost effectively without the contributions from land owners for right of way expansion, particularly that from Joe and Brenda Morstein. Vigilante Electric, Qwest and Bresnan were also thanked for taking the initiative to bury utilities underground.

## Broadwater County

On 7/6/2010, a contractor was burying cable lines under the sidewalk located off the main thorough fair of the City of Townsend. In the course of drilling underground, the contractor bored through the cellar of the State Bank of Townsend and hit the heating oil drums. The end result was about 100 gallons of fuel leaked into the basement of the bank.

The State Bank of Townsend responded very quickly and put their emergency plan into action. The Commissioners' Meeting Room was used by bank personnel to take deposits and provide withdrawals. Security was provided by the Broadwater County Sheriff's Office.

A huge thank you goes out to the Broadwater County Fire Department, the Broadwater County Sheriff's Office, and DES for their quick response and for keeping

everyone safe. The courthouse staff also extended their hospitality and support. We are fortunate to live in a community that is cooperative and understanding.

## Fallon County

Commissioner Rieger announced to the Baker Chamber of Commerce and Agriculture July 1 that Fallon County had signed a contract with TransCanada June 28. The contract is for TransCanada to use 60 acres of county land west of Baker with the option for 40 more acres to build a camp that will house approximately 600 workers hired to build two 80 mile long legs of keystone XL pipeline in 2011. TransCanada correspondence will begin sometime in July. TransCanada is still hoping to tie into the City of Baker water and sewer for the work camp. "We've been contacted but we haven't sat down with a contract or anything yet," said Mayor Hornung. "We did send TransCanada a proposal for a forced sewer main to the east most cell of the lagoon and to either have a water line to their camp or to have a water fill station. All infrastructure costs would be borne by TransCanada. They are supposed to touch base in the upcoming week."

## Flathead County

The Flathead County commissioners approved a \$70,000 loan from the county's payment in-lieu-of taxes fund to pay for mosquito control this summer.

Health officials warn that mosquitoes may be a big problem this summer.

Prolonged spring and early summer rains may have nurtured a bumper crop of mosquitoes.

The Flathead City-County Health Department started treating normal high-water locations in early spring when unseasonably warm temperatures may have triggered larva development.

When heavy rain followed those warm temperatures, continually rising water in low-lying areas and rivers made treating backwater locations difficult, according to health Officer Joe Russell.

## Gallatin County

The Gallatin County Commission is going to put its weight behind a citizen driven effort to reduce the speed limit along a stretch of Huffine Lane.

A local group, Citizens for a Safer Huffine, met with Commissioners to push Montana department of Transportation to conduct a speed study. The group had about 50 signatures and are looking to reduce the speed along a 1.9 mile stretch from Gooch Hill Road to Cobb Hill Road from 65 mph to 55 mph.

Plans for traffic lights at Gooch Hill and Cobb Hill



# Around Our Counties

roads have been on the books for some time. The next step in the plan is to request a traffic study from the state.

People drive pretty aggressively on this section of the road. There are a lot of speed changes and it can be a confusing road.

Huffine Lane has three speed zones ranging from 45 mph to 55 mph and tops out at 65 mph. If reduced it would be a steady 55mph.

## Granite County

Granite County Commissioners Suzanne Browning and Maureen Connor, along with County Attorney Chris Miller told members of the Tri-County Addiction services that they want prevention classes regarding alcohol and drugs in Granite County Schools, a counselor for addiction to regularly visit the county, and possibly holding or devising a means of transportation for people to attend a recovery class when they have been ordered by the court.

The county receives a small amount of money each year from federal alcohol tax dollars to be used for addiction services. In the past, the company they had been associated with had accepted that money, but had made little effort to provide services in the County. Granite County, as well as Powell and Anaconda-Deer Lodge, left this organization and partnered

with a new one in the hope of receiving more for their dollar.

## Mineral County

On June 24<sup>th</sup> several Mineral County hospital employees moved out onto the lawn at noon for a barbeque. Tables, chairs and plenty of food were set up under tents on the lawn. Hospital administrator Steve Carty said that "Today was about thanking the employees. We wanted to do a thank you to employees for all their help. We also wanted to unveil our new mission statement and new vision statement." The new mission statement reads, "We exist to make a difference in people's lives through excellent patient care." The new vision statements says, "We will be a leader in customer service, foster a culture of continuous quality improvement and explore opportunities focused on bringing healthcare to a greater number of community members." The hospital also unveiled a new logo, which features a tree and lines representing the river.

## Richland County

Plans are moving forward for the courthouse remodel project as Richland County commissioners, together with officials of Kringen Construction

and Stevenson Design, listened to representatives from eight window companies pitching their products for the project.

New windows are being sought because the current ones are almost 30 years old. They are less energy efficient today than they were back then. Also, the windows do not resemble what had been there years ago when the courthouse was built.

Officials said they hope to begin remodeling the courthouse this fall.

## Roosevelt County

Roosevelt County Attorney Ryan Rusche recently notified the commissioners that he would be resigning effective June 30<sup>th</sup>.

The commissioners announced the resignation during their weekly public meeting on Wednesday, June 16, stating that they would first offer the position to deputy county attorney Jerry Schuster before seeking someone else to replace Rusche.

The commissioners will need to appoint someone to fill the position until Dec. 31, which is when whoever is elected in November will take office.

Rusche will be going back to work as the Fort Peck Tribes attorney.

## Wheatland County

Tony Hensel has retired after nearly 20 years of serving Wheatland County. His last day of work was June 18<sup>th</sup>, which also happened to be his 70<sup>th</sup> birthday.

County commissioner chairman Richard Moe said of Hensel: "He was a wonderful employee over the years. A good road foreman, was responsible, got along with people well and did a good job managing his crew".

Hensel said he was never a road "supervisor" but was a foreman and, "got dirt under my fingernails just the same as the others." He obviously enjoyed his work and now plans to enjoy his retirement.



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# MACo News

## Montana Legislative Meetings

### August

- 2** - 8:00 am - Residential & Commercial Property Reappraisal Subcommittee - Room 137
  
- Agricultural & Forest Land Property Reappraisal Subcommittee - Room 102
  
- 9:30 am - LFC Public Health & Human Services Reference Book Subcommittee - Room 152
  
- 1:00 pm - Revenue & Transportation Committee - Room 137
  
- 3** - 8:00 am - Revenue & Transportation Committee - Room 137
  
- 10:00 am - Biological Evidence (DNA) Subcommittee - Room 102 & Billings
  
- 1:00 pm - Legislative Space Subcommittee Room - 102
  
- 4** -10:00 am - Legislative Budget Subcommittee Room - 102
  
- 16** - Education & Local Government Committee
  
- 17** - Education & Local Government Committee  
State Administration & Veterans' Affairs Committee
  
- 19** - 8:00 am - Economic Affairs committee Room 137
  
- 23** - Children, Families, Health & Human Services Committee Meeting
  
- 24** - Children, Families, Health & Human Services Committee Meeting

### September

- 1** - State-Tribal Relations Committee
  
- 9** - Law & Justice Committee
  
- 10** - Law & Justice Committee  
Energy & Telecommunications Interim Committee Meeting
  
- 13** - Environmental Quality Council Meeting  
State Administration & Veteran's Affairs Committee
  
- 14** - Environmental Quality Council Meeting





# Announcements & Reminders

## Events

### August

- 2 Residential, Commercial, Ag Reappraisal Subcommittees
- 2-3 Revenue & Transportation
- 4 Montana Digital Government Summit
- 12 **MACo Districts 4 & 5, Shelby (tentative)**
- 16-17 Education & Local Government
- 16-19 Clerk & Records Convention, Miles City
- 17 **MACo Districts 8, 9 & 12, Powell Co. Community Ctr**
- 19 **MACo Districts 1, 2 & 3, Wolf Point**
- 23-24 Children, Families, Health & Human Services Committee
- 25 **MACo Districts 6 & 7, Billings, Metrapark**

### September

- 1-2 Law & Justice Committee
- 9 **MACo Resolutions Committee, MACo Office**
- 13-15 County Treasurers Convention, Glasgow
- 26-30 **MACo 101st Annual Conference, Billings**

August 2010						
Sun	Mon	Tues	Weds	Thurs	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

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