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Health care reform & counties

By Talia Knudsen, MACo Communications Officer

The Patient Protection and Affordable Care Act (PPACA), as amended by the Health Care and Education Affordability Reconciliation Act of 2010, changes the way counties provide health insurance to their employees and how health insurance is regulated. Here is a summary of changes to come:

2010

Counties will be reimbursed for up to 80 percent of the cost of insuring retirees, ages 55 to 64, and their spouses and dependents. Claims for \$15,000 to \$90,000 will be reimbursed.

Lifetime benefit caps and rescissions will be eliminated and waiting periods will be limited to 90 days. Beneficiaries must get benefits to age 26.

Health status cannot be a factor in providing coverage for children under 19

years of age.

Coverage must include preventative services, immunizations and screenings without cost-sharing requirements.

Minimum essential coverage must pay at least 60 percent of benefit cost with out-of-pocket expenses limited to \$5,950 for individuals and \$11,900 for a family.

2011

Counties must offer voluntary payroll deductions for Community Living Assistance Services and Supports Act, a long-term care insurance, and report cost of coverage on W-2.

Over-the-counter drugs are not eligible for reimbursement via Flex Spending Accounts, Health Reimbursement Arrangements or Health Spending Accounts, unless prescribed by a doctor.

See Reform on page 5

Mont. ranked: Top roads, deadliest drivers

By Keith Stapley, MACo Claims Administrator

In a special report, The Best, Worst, and Deadliest Roads in America: The Rankings, Reader's Digest placed Montana's roads third in the Best Roads category, first in Deadliest Roads and first in Deadliest for DUI, and sixth in Deadliest for Speeding category.

Using data from the Federal Highway Administration, RD took in to consideration safety, congestion and condition of roads and bridges and ranked each state. Then RD ranked states using number of fatalities per 100 miles driven. Edward A. Sylvestre of Quantitative Insights in Rochester, New York, supervised the calculations along with David T. Hart-

gen, PhD, of the Reason Foundation, a public policy think tank. Fran Lostys of RD coordinated the project.

The same study found that highway fatalities have decreased in America, but in 2008 a staggering 37,261 people died. Although Montana appears in third place on the Best Roads list, it tops the Deadliest list in part because of drivers who drink, drive recklessly, or shun seat belts. In 2009 Montana saw a slight decrease in highway deaths- in 2009, 221 people died on our highways compared to 229 in 2008 and 267 in 2007. However, alcohol and speed was a factor in 89 of the fatalities in 2009

Deadliest:

1. Montana
2. Louisiana
3. S. Carolina
4. W. Virginia
5. Arkansas
6. Mississippi
7. Kentucky
8. Wyoming
9. Alabama
10. Nevada

Best:

1. Kansas
2. Wisconsin
3. Montana
4. New Mexico
5. Utah
6. N. Dakota
7. Wyoming
8. Nebraska
9. Virginia
10. Oregon

See Roads, p. 5



MACo News

NACo Community & Econ. Dev. Steering Committee, C. Johnson reports

By Cynthia Johnson, Pondera County

March 7, Thomas E. Heinemann, director of the Intergovernmental Relations Homeownership Preservation Office U.S. Department of Treasury, discussed the Making Home Affordable Program including homebuyer credit and neighborhood stabilization.

A key component of the Making Home Affordable Program is \$1.5 Billion of TARP money designated for "Help for the Harvest" in the five states hit hardest by home devaluation or foreclosures and unemployment- California, Nevada, Michigan, Florida, and Arizona. Unfortunately, these states have less than six weeks to develop plans for spending that money.

Director Heinemann feels homeownership issues are beginning to stabilize and mortgage rates remain low due to the many federal programs. The Home Affordable Modification Program, was another federal program he briefly shared. In order to qualify for the HAMP, an individual must be able to afford to dedicate 31% of their income to a mortgage. This program targets families who may be in foreclosure, one spouse unemployed, or other situations exist (like bankruptcy) which result in significantly reduced income. More information about HAMP and MHAP is available on the Intergovernmental Relations Homeownership website.

Greg Brown, assistant vice president of Government Affairs of the National Association of Home Builders discussed the home builders perspective of housing issues. Brown expressed a belief that a fragile housing recovery is occurring. Home prices are about at 2003 levels right now and continue to gradually climb. Stabilization is due in part to the homebuyers and tax credit programs instituted by the federal government. January and February have been impacted by the weather but markets are returning to their historical norms. Restoration of consumer confidence is critical to continued recovery. NHB expect home prices to remain flat for the first half of 2010 then begin gaining more substantially. Homebuilders also predict a 53% growth in new home starts in 2011.

Rental housing/multi-family housing units are experiencing both increased demand and increased supply. Older, unsold properties are also more frequently being converted to rental property and multifamily housing starts have shown significant growth. NHB projects the same 50 to 55 percent growth in multifamily housing as single family housing in the next 12 to 18 months.

The lending community appears to continue to back away from real estate (residential) loans at the same time a critical need remains for affordable housing.

Following the Housing Subcommittee meeting the Economic Development Subcommittee met.

Brian McGowan, deputy assistant secretary of Economic Development Administration, discussed challenges in today's economy and the role of the federal govern-

ment in meeting those challenges. McGowan stressed the need to modernize the education system, rebuild infrastructure, and create an environment for entrepreneurship, innovation, and business growth. McGowan was especially focused on business "clusters," similar to what Montana has been attempting to achieve, to encourage competition, collaboration and cooperation regionally. He was a strong advocate for economic development from the bottom up. EDA is looking forward to reauthorization and working with local governments to help communities rebuild their economies.

Richard Ginsburg, senior international trade specialist with the Small Business Administration, presented on the significance of global trade, introducing the National Export Initiative. Ginsburg told the committee that American businesses that want to export (especially small and medium-size businesses) will have a much more engaged partner in the federal government. NEI is primarily focused in three areas: Expanding trade advocacy in all forms, especially for small and medium size enterprises; Enhancing credit access – again with a concentration on small/medium business that want to export; and eliminating barriers that prevent U.S. companies from getting open and fair access to foreign markets.

Ginsburg also discussed the Trade Promotion Coordinating Committee.

Mercedes Marquez, assistant secretary for Community Planning and Development, Housing and Urban Development, shared with the group that the federal government has met their commitment to fully fund Community Development Block Grants in the 2011 budget.

She told committee of the Catalytic Investment Fund – within CDBG – designed to help local governments bridge the gaps in capital necessary to provide services. Marquez felt the CIP could be the "game changer" and compliment other ongoing funding efforts, or compliment a NSP neighborhood or sustainable communities program. Size doesn't matter – rural communities can apply.

Marquez indicated that the Affordable Housing Trust Fund could still become a reality this year. She also shared that HUD understands the difficulty for local governments with implementing the NSP program. HUD has challenged the definitions of foreclosure and abandonment to try to make them much broader to be able to help accommodate local governments and get projects on the ground. If any local governments are having difficulty implementing their NSP projects in a timely manner, Assistant Secretary Marquez encouraged us to call.

The NACo Community and Economic Development Steering Committee finished the day long meeting with a review and reaffirmation of several resolutions dealing with housing issues, CDBG funding, HUB zone contracting disparities, and job creation.



MACo News

NACo Transportation Committee, J. Ostlund reports

By John Ostlund, Yellowstone County

The Transportation Committee met March 7, and discussed issues related to surface transportation funding, with the main topic being the reauthorization of the transportation bill. The Obama Administration submitted a budget proposal that raised transportation funding 2.4 percent to \$78.8 billion dollars.

The Federal Highway Program was frozen at \$42.8 billion and essential air service funding was proposed down slightly from the \$182 million dollars in Safe tea-Lu. However, the Federal Transit Program was increased 1 percent to \$10.799 billion and Amtrak funding was increased 3.4 percent to \$1.637 billion dollars. An additional \$1 billion dollars was added to the \$8 billion dollars in the stimulus bill. The Obama Administration seems to be focusing more on mass transit and high speed rail services than funding for roads and bridges.

The current funding in the transportation bill will be extended through the end of the year and we can hope for reauthorization next year after the November elections.

There was much discussion about the proposed House bill that would eliminate the off system bridge funding and NACo will continue to fight for the bridge program's reau-

thorization. The price tag for the House bill is about \$450 billion over six years, a \$163 billion dollar increase over Safe tea-Lu over six years. The bill also increases the authority of metropolitan planning agencies and places additional emphasis on rural planning.

The committee had much discussion about how to fund transportation needs going forward and NACo supports long term funding alternatives to the gas tax. However, it will likely continue as the primary funding source for years to come.

Although the amount of dollars proposed by both the Obama Administration and through the House bill seem staggering to the imagination, we will likely end up short of funding our transportation needs in Mont-

tana, and counties will need to get the most bang for every buck we spend.

Stay in touch with Congressman Denny Rehberg, Senators Max Baucus and John Tester and lobby for more money in the next highway bill to be passed through the DOT directly to counties for projects.

John Ostlund, NACo Transportation Committee Chair
Yellowstone County



(L-R) Sen. Max Baucus, Mike Murray (Lewis and Clark), Victor Miller (Blaine), Carol Brooker (Sanders), Mike McGinley (Beaverhead), Alan Underdal (Toole), Lesley Robinson (Phillips), John Ostlund (Yellowstone), Cyndi Johnson (Pondera), Kathy Bessette (Hill), Todd Devlin, Harold Blattie (MACo), Carl Seilstad (Fergus), Bill Kennedy (Yellowstone), Senator Jon Tester

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MACo News

County liability under FLSA

By Michael W. Sehestedt, MACo Chief Legal Counsel

In the recent decision of the Montana Supreme Court in *Tacke v. Energy West* 2010 MT, Feb. 23, the Court affirmed a judgment in the amount of \$267,330.43 against an employer for failure to pay overtime to an employee that the employer had incorrectly classified as exempt from the overtime provisions of the Fair Labor Standards Act. The judgment consisted of \$35,220 for uncompensated overtime, \$35,220 in liquidated damages and \$196,890.43 in attorney fees.

Since counties are subject to the FLSA, this case should serve as a stark reminder of the need to accurately classify employees and comply with all aspects of the FLSA, including correctly classifying employees as exempt or nonexempt from overtime requirements of the act. Counties must compensate nonexempt employees at time and half for all hours worked in excess of 40 hours in any work week and accurately recording all hours worked by nonexempt employees.

Each county should review the job duties and compensation of each employee they pay as exempt from the overtime requirements of the act, be certain that all hours worked are recorded, and for nonexempt employees compensate hours worked in excess of 40 hours in any work week at the rate of time and half. Failure to do so can expose your county to substantial liability

The FLSA is the law; the consequences of failure to comply are serious, and thinking that no one will ever file a claim against you is like playing Russian Roulette.

The MACo website has a more detailed article posted that discusses the obligations of counties and the standards that apply under the FLSA. Each county is urged to bring this article to the attention of the person or department in their county responsible for human resource issues.

For those counties that insure against property and casualty loss through the MACo JPIA program, Jack Holstrom, JPIA Personnel Services Administrator, is available to answer your questions regarding the FLSA.

Robinson to attend CLI

By Talia Knudsen, MACo Communications Officer

Lesley Robinson, Phillips County commissioner has been selected to attend the NACo County Leadership Institute, June 1 to 5, 2010, in Washington, D.C.

Robinson will be one of 25 students from around the U.S. to attend. The class is limited to 30 students and only one candidate is accepted from each state and two spots are reserved for state association executive directors.

The CLI is a rigorous program offered in partnership with Cambridge Leadership Associates that focuses on the demands of personal leadership. Selected county leaders will discuss the principles of public service leadership with experts and collaborate intensively with each other to develop solutions to real life issues. The program has 141 alumni who are networked to offer their support, suggestions and feedback to other alumni.

"I like to keep learning- the more you learn, the better you are at doing your job..."

"It is quite an honor to be accepted and get to go," Robinson said.

CLI is designed for elected officials with two to eight years experience, and Robinson, 44, who is in her first elected position, fit the bill. The MACo Executive Board nominated Robinson, then her nomination was review by NACo officials, and she was selected to attend.

Robinson will be treated to faculty presentations, small group activities, a visit to Arlington County, Virginia and evening events.

Robinson is sure she will represent Montana well and intends to take advantage of the opportunity and learn all she can.

"I like to keep learning- the more you learn, the better you are at doing your job," she said.

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MACo News

Reform *(continued)*

2013

Flex Spending Account contributions can't exceed \$2,500.

2014

Counties with 50 or more employees that do not offer minimum essential coverage can be penalized if at least one full-time employee uses a premium tax credit or subsidy to purchase coverage through a state exchange. Premium subsidies will be available to individuals under 400 percent of federal poverty rate.

Counties with 50 or more employees that do not offer minimum essential coverage or offers unaffordable coverage will be subject to penalty. Coverage will be considered unaffordable if the cost is more than 9.8 percent of household income.

Counties with more than 200 employees must enroll employees in their group health plan unless the employee opts out.

2017

Employers with more than 100 employees may be permitted by the state to purchase coverage from an exchange.

2018

Plans costing more than \$10,200 for individuals and \$27,500 for families are subject to a 40 percent tax. Plans covering high risk employees, retirees or populations that differ from that of a national risk pool will have higher limits. Plan cost includes premium and health spending account reimbursements.

Source: NACo County News, Vol. 42, No. 7.

Roads *(continued)*

and victims were not wearing seat belts in 170 of those fatal accidents.

Isn't it time for Montanans to demand action from our government, legislators, courts, businesses, community leaders, parents and especially each of us individually to make sure that our actions as drivers at least match the quality of our highways?

Last month, a deadly accident occurred in Helena in which 5 teenagers were killed. Police reported that alcohol, drugs and speed were all factors in the cause of what seems to be a very avoidable accident. Doesn't it make you wonder how the drugs and alcohol came into the possession of those teenagers?

We must all become more accountable.

Deadly for DUI:

1. Montana
2. S. Carolina
3. Louisiana
4. Wyoming
5. W. Virginia
6. Mississippi
7. N. Dakota
8. Texas
9. Alabama
10. Arkansas

MACRS elected officers announced

The Montana Association of County Road Supervisors has one newly elect officer and a district representative. Tom Fairbank, a road personnel supervisor in Blaine County, was elected second vice president. Dave Fowler, shop foreman at Gallatin County, was elected District 2 representative.



Tom Fairbank



Dave Fowler

Fairbank joins other officers President Wayne Buck, Rosebud County, First Vice President Mitch Urdahl, Gallatin County, and Secretary-Treasurer Russ Huotari, Richland County.

Fowler joins other district representatives Guy Foy (District 1), Flathead County, Dave Sutton (District 3), Cascade County, Jerry Backlund (District 4), Custer County and Randy Werdal (District 3), Sweet Grass County.

Buck and Eric Griffin, Lewis and Clark County, remain MACo representatives; Russ Huotari is also the training committee representative; Shawn Nordick is past president.

The 2011 conference is planned for March 28 to 31 in Great Falls.



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Agriculture & Rural Affairs Comm., Bessette reports

By Kathy Bessette, Hill COunty

March 6 & 7

The speaker for the Agriculture Subcommittee was Tristan Brown, legislative assistant for agriculture issues in the office of Senator Amy Klobuchar from Minnesota. Brown discussed senator Klobuchar's priorities.

Klobuchar is an active advocate for childhood nutrition as well as an advocate for food safety. She is working hard to increase U.S. exports to China and says that Russia is opening up meat imports (not poultry yet).

She is working to pass a retroactive extension of the biodiesel tax credit which expired in December. She stressed the reduction of the U.S.'s dependency on foreign oil and that agriculture will not be put at a competitive disadvantage as a result. She wants to make any new energy legislation work for everyone. China has outspent the U.S. in development of new energy technologies and is now number one in the space race.

Klobuchar is certain something is going to happen regarding cap and trade and there will be a price put on carbon which will be driven by the environmental community. If Congress or the EPA does nothing, it will be fought at the local levels with court battles at the city, county and state level. She feels if a solution was formed through Congress it would be more logical, would minimize the impact and be more practical than if the courts make the decision. The ongoing debate is if the farmer can add on the cost of "inputs" when selling carbons. Also, Klobuchar is certain there will be a price put on carbon.

Brown provided information regarding a Duke University study on new energy legislation and farm incomes. He noted that the information he discussed is found on website <http://nicholas.duke.edu/institute/ni.wp.09.04pdf>.

Commissioner Peggy Beltrone updated the committee on the progress of 25 X 25.

The Rural Development Subcommittee heard from Carol Matthey, Federal Communications Commission Senior Policy Advisor. She spoke about the plan to assure access for all citizens to broadband, especially the rural areas. The plan is to achieve maximum utilization of broadband services and address how broadband can serve/help everyone. This includes telecommunications and broadband access to all schools, low income areas and rural health care facilities.

Discussion followed regarding a concern of many about duplication of the broadband service. For example, rural cooperatives have borrowed funds to reach many of their outlying areas with broadband services. Now that ARRA funds are available, why should the grant money be spent

by private companies to place fiber optic lines beside the cooperative lines? The committee felt the ARRA funds should be utilized in areas that currently aren't served at all; thus there would be no duplication of service.

Sarah Edelman, Public Citizen's Global Trade Watch State and Local Program Coordinator, was the speaker for the Food Safety Subcommittee. She said the problem with so much unsafe food coming into the U.S. is that ins-

...80 billion food borne illnesses are traced back to imported foods and 80 percent of that is sea food. Only 2 percent of imported foods are inspected ...

pections and regulations haven't kept up with the pace of imports. One half of all food borne illnesses in the U.S. comes from imported food; thus the need for more inspections before the food hits the markets. Approximately 80 billion food borne illnesses are traced back to imported foods and 80

percent of that is sea food. Only 2 percent of imported foods are inspected by the USDA (beef, poultry and pork) and the FDA (fish, fruit, vegetables and spices).

Edelman asked those interested in receiving the Public Citizen's quarterly newsletter on trade and its impact on state and locals to email her at sedelman@citizen.org. Also, complaints regarding Country of Origin Labeling violations may be emailed to cool@usda.gov.

Agriculture and Rural Affairs Steering Committee

The first speaker for the Agriculture and Rural Affairs Steering Committee was the Honorable Dallas Tonsager, Rural Development Undersecretary, from South Dakota. Tonsager is a big believer in biofuels and he projects that there will be production of biofuels in every region in the U.S. He predicts that within the next 10 years, production of biofuels will be bigger than ethanol. He is a supporter of broadband through out the country, especially the rural areas. He also supports water and sewer projects that local government can't afford without the assistance of Rural Development.

Jennifer Yezak, Director of Intergovernmental Affairs, U.S. Department of Agriculture, spoke about the priorities established by the Director of the U.S. Department of Agriculture, Tom Vilsack from Iowa. Vilsack supports expanding agriculture exports and increasing outdoor recreation for all citizens. He stresses working with local elected officials to ensure the Rural Development programs are explained well and available to all local governments that need funding for infrastructure. The USDA will be holding jobs forums in all 50 states.

Colleen Landkamer, Rural Development Director in Minnesota and former NACo President, spoke of funding for the programs available through the USDA. The committee sponsored and passed one resolution that supported the U.S.D.A.'s Rural Innovation Initiative. This initiative supports growth and job creation in rural counties.



MACo News

Call 811 before you dig or pay the bill later

By Talia Knudsen, MACo Communications Officer

If your county is planning an excavation project, pick up a phone and call 811 before you pick up a shovel, or you could be picking up the bill if underground facilities are damaged.

Damages to utility lines are always the responsibility of the excavator, unless the utility lines are located incorrectly or not at all by utility owners after calling 811. But it is still the excavator's responsibility to stop all excavating immediately and call 811 or the utility owner when an unmarked line is located.

Damaging a utility line can result in serious personal injury, and can damage equipment. If an underground facility is damaged because the excavator failed to call 811 and obtain the location of the facilities, the excavator is liable for the full cost of repair, plus a fine of 25 percent of the cost of damage, not to exceed \$125 for the first incident. The fine for a second incident is 50 percent of the repair cost, not to exceed \$500 and subsequent incidents are fined \$1,000 each. If multiple facilities are damaged in one incident, each utility owner may fine the excavator for damage.

The 811 locator service is free, and is legally bound to occur within two days of the phone call, so it is quick too.

Counties are not excluded from this rule. There are only two exceptions to this rule: landowners excavating on land that is not right-of-way and a registered surveyor hand digging no more than 12 inches below the surface of a road.

Once an excavator calls 811 and a worker marks the whereabouts of the facilities, the excavator is responsible for maintaining the markings and must complete the project within 30 days of the visit or call and request that the facilities be marked again. The excavator should also call for a return visit if weather or other circumstance compromises the accuracy of the markings.

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MACo News



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 Website: businessresources.mt.gov

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Karyl Tobel; Asst. Division Administrator
 Business Resources Division
 Phone: (406) 841-2732
 E-mail: karyl@mt.gov
 Website: businessresource.mt.gov

Herb Kulow; Portfolio Manager
 Board of Investments, Infrastructure Loan Program
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 Website: investmentmt.com/Programs/instate

Financing for homeownership and rental assistance for Montana families:

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Louise Welsh; Bond Program Officer,
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 Website: investmentmt.com/Programs/Intercap

Herb Kulow; Portfolio Manager
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MACo News

Discipline an elected official?

By Jack Holstrom, JPIA Personnel Services Administrator

A consultant, investigating allegations that an elected county official had engaged in misconduct, raised the issue of whether a board of county commissioners had authority to impose disciplinary action upon the elected official if the allegations of misconduct were proven.

The misconduct the consultant was discussing did not rise to the level of criminal official misconduct pursuant to Section 45-7-401, MCA. If the misconduct had risen to the criminal level, there would have been no issue of authority of a board of county commissioners to impose discipline. A criminal complaint would be filed in the District Court charging official misconduct and the District Court would impose criminal sanctions upon conviction.

I was asked for my opinion regarding the consultant's question. I framed the request as follows: Under Montana law, does a Board of County Commissioners have authority to take disciplinary action against other elected County officials for misconduct?

As I have been asked this question many times during my tenure with MACo, I thought the answer and my legal reasoning might be of interest to the readers of the newsletter.

To answer the request, I had to begin with the basics relating to local government and authority.

Under the Constitution, local governments have the option of adopting a self-government charter or retaining general government powers. If a local government adopts a charter, then it may exercise any power not prohibited by the Constitution, the law, or its charter. If a local government chooses to retain general government powers, it has only the powers given to it by the Legislature. As the majority of Montana counties have chosen to retain general government powers, my opinion only addressed these counties and omitted a discussion of charter forms of government.

My research indicated that there were no Montana statutes which directly authorized a Board of County Commissioners to impose disciplinary action against another county elected official for misconduct.

My research also indicated that Section 7-4-2210, MCA, the statute providing authority for general management over elected officials, was devoid of any reference to discipline for misconduct of other elected officials and the Montana Supreme Court had not interpreted the statute to authorize disciplinary action.

My conclusion and opinion was that there was no authority under statute, court decision, or Attorney General's Opinion which grants a board of county commissioners the authority to impose disciplinary action upon other elected County officials for misconduct.

JSA Training review

Emelia McEwen, MACo Sr. Loss Control Spec.

April 7, MACo held a Job Safety Analysis Training for Law Enforcement and Safety Coordinators. The purpose of a JSA is to identify the hazards in a job task and to come up with solutions to reduce injury. More than likely, policy will be part of the solution. A JSA will therefore, help your department meet the required annual training and will prevent or reduce workers' compensation claims and liability claims.

We appreciate Sergeant Steve Metzger, Yellowstone County Detention Center for taking time out of his busy schedule to conduct a Job Safety Analysis Training at MACo. Twenty-nine people attended the training. We are pleased with the counties that showed an interest in the training. Counties who attended the training included Butte Silver Bow, Garfield, Lewis and Clark, Liberty, Musselshell, Park, Ravalli, Roosevelt, Sanders and Toole.

New laws on lead paint, effective April 22

The Environmental Protection Agency passed a new rule that went into affect April 22, that requires contractors who paint or renovate pre-1978 built buildings to be certified in lead-safe practices. This rule applies to county employees and contractors as well. During a project involving renovation, repair or painting that will disturb more than six square feet of interior or 20 square feet of exterior, at least one person assigned to the project must be certified and trained. Counties who contract out for this sort of work must be sure their contractor is compliant as well, or face a fine of \$37,000 each day of non-compliance.

For more information go to www.epa.gov/lead/pubs/renovation.htm.



MACo Risk Management & Training

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|---|---|
| <p>Emelia McEwen & Sr. Loss Control Specialist</p> | <p>Fred Hansen, PE Loss Control Specialist</p> |
|---|---|

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Roll away muscle aches

By Talia Knudsen, MACo Communications Officer

It doesn't take expensive, spiky, vibrating or heated gimmicks to give yourself a worthwhile massage. That was the take home message of a class offered by St. Peter's Hospital here in Helena and paid for by the Lewis and Clark County Wellness program. The class instructor was a personal trainer from a local gym, Anneliese Smith, who began the course, "Roll Away Chronic Pain," with a simple, but firm command- "Take off your shoes." Each participant was then given a golf ball and tennis ball and showed how to use them, from toes to head.

Most workers spend the majority of their time either on their feet or their bottoms. This can result in sore spots in surprising places, so it is important to tend to the whole body when conducting a massage, then focus on sore spots to increase blood circulation and release tension.



Aching feet can be eased by rolling a golf ball on the floor with the bottom of the foot. Roll the ball on all parts of the foot- the heel, arch, ball, toes. This can be done standing or sitting, but standing enables a heavier pressure on the foot. To enhance this exercise, heat the ball up with hot water (do not microwave) or cool it off in the freezer. Once again, focus on sore spots.

You may switch to a tennis ball for the larger muscle groups of the calf, thigh, hip, buttocks, stomach and back. These areas can be massaged sitting at your desk. Sit in a chair and place the ball beneath your thigh or bottom. Put as much weight on the ball as you can bear. Roll the ball by moving your body. It might look like you have an itch as you squirm to find sore spots, but it is well worth it. The back can be massaged with the tennis ball between the back of your chair and your back. Once again, it might look like you have an itch, but it is well worth it. For desk workers, between the shoulder blades is a common location of tension. Unruly tennis balls can be controlled inside a sock slung over the shoulder.

Roll a golf ball over the neck to ease aches and pains, as well as headaches. This feels pretty good on the scalp and temples as well.

Don't forget your arms and hands. Computer work, as well as standing and manual labor causes tension here. Workers who type or have tired hands can roll the golf ball between the palms, both sides of the forearm, and up to the elbow.

This is an excellent exercise during the work day. Increasing blood circulation makes us feel more alert and refreshed, and releasing tension can make sitting or standing comfortable. Stretching all muscles during the work day in addition to massage can reduce muscle injury and stress.

USDA announces funds for rural areas

The United States Department of Agriculture announced grant opportunities for county governments and other non-profit entities. Entities in counties with populations less than 20,000 will be given preference.

The Rural Business Opportunity Grant

Deadline for application: June 28, 2010

Focus:

- Food systems to create new wealth in region
- Renewable energy, conservation or climate change adaptation or mitigation for job creation.
- Use of broadband and other critical infrastructure to facilitate new business and market opportunities for small businesses.
- Access to capitol as a strategy to ensure business development and job creation and retention
- Innovative use of natural resources that expands business opportunities.

Distance Learning and Telemedicine Grant

Deadline for application: May 18, 2010

Focus:

- End-user telecommunications equipment
- Telemedicine services to rural communities

JOB OPENING: Fallon County Planner/ Landfill Supervisor

Fallon County is seeking applications for the position of full time Fallon County Planner/Landfill Supervisor. This position will receive full benefits. Salary depends upon experience. All applicants must be at least 18 years of age and have a current/valid driver's license. Upon hire the successful applicant will be subject to a motor vehicle record search. Fallon County reserves the right to reject any and all applications and is also an equal opportunity employer. For questions, applications and a complete job description contact the Fallon County Clerk and Recorder's Office at PO Box 846-10 W. Fallon Ave., Baker, MT, 59313 or call 778-7106. You may also contact the Commission for further questions at 778-7107.

Applications must be returned to the Fallon County Clerk and Recorder's office no later than 1 p.m., May 10.



Public Entity & Scholastic Division

Arthur J. Gallagher Risk Management Services, Inc.

Falls in parking lots

Part 1 of 2

What are they?

The parking lot fall exposure group includes all slip, trip or falls that occur in a parking lot, including those due to ice, snow, or water. There are other kinds of falls that occur in a parking lot, like falls occurring while exiting a vehicle, but our focus here is on the act of falling while walking through a lot.

What is their impact?

Parking lot falls can result in a wide-range of injuries, including abrasions, cuts, sprains and bruises to fractures and closed head injuries. Ankle/foot injuries and abrasions to the hands, knees, and face are the most common results of *trips*. Parking lot *slips* will typically result in musculoskeletal injuries to the wrists, head, neck, back, or buttocks. Serious injuries in parking lots may leave the victim unable to get up and self-rescue. This leaves them

at-risk during winter months, especially after dark unless help is nearby.

Why does it happen?

Full exposure to the elements makes a parking lot one of a company's more hazardous places. A parking lot fall is typically the result of an individual's at-risk behavior while walking. That is, for whatever reason, an employee is either not focusing on *where* they are walking, are unable to see their pathway, or are taking shortcuts over or through otherwise unsafe conditions, like:

- Ice and snow
- Broken pavement
- Manhole covers
- Loose rocks and gravel
- Poor visibility
- Rain and standing water

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MACo News

MACo Employee Profile

Spouse's name and time together: Bill "Hooter," 36 years, give or take a few years

Children's name and ages: Todd, 33; Tyler, 30; Tiffany 29



Karen Houston

Occupation and years at current occupation: MACo Meeting Planner, 19 years

Profession before current occupation: Office manager at Helena Real Estate Multi List

Education: Billings West High School

Biggest challenge you've ever faced: Raising my children

Two people, alive or not, you would like to have dinner with: John F. Kennedy and Elvis Presley

Surprising fact about you: I like fast cars.

Most adventurous thing you've ever done: I went to Dubai in March

Favorite TV show: *Army Wives*

A turning point in your life: I moved to Helena without knowing a soul and started my career at the Department of Labor at age 17 in 1970.

A book you've read twice (or more): I can't think of one

Favorite charity/cause: Race for the Cure

Favorite movie: *Sound of Music*

Person(s) who had the biggest influence on you/your life, and why: My dad. He taught me work ethic and told me not to kiss anyone's behind to get where I wanted to go.

Commissioner Profile

Spouse's name and time together: John, 42 years

Children's name and ages: Greg, 38 years old



Cele Pohle

Occupation and years at current occupation: County Commissioner, one year

Profession before current occupation: Elected County Assessor from 1987 to 2008

Education: College of Saint Scholastica; BS Secondary Ed/Social Studies, class of 1969

Biggest challenge you've ever faced: Quit smoking after 41 years

Two people, alive or not, you would like to have dinner with: Gandhi and Golda Meir

Surprising fact about you: I have to work at not being shy and quiet-sometimes I might over do it.

Most adventurous thing you've ever done: It is still in the planning stages.

Favorite TV show: *24*

A turning point in your life: When I became a mother and totally responsible for another life

A book you've read twice (or more): *Atlas Shrugged* by Ayn Rand

Favorite charity/cause: Our local library

Favorite movie: any Star Trek Movie

Person(s) who had the biggest influence on you/your life, and why: My parents- the values that they taught me through their example of giving back to the community through their involvement in organizations. A community can only become strong and vital through the volunteers that take the time to serve on the various boards. The elected officials must have a vision to enable the volunteers and themselves to leave county government a better place than when they started.



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MACo News

Ray White 1928-2010



Our beloved dad, Ray White, went peacefully to be with his wife, Shirley, and our Lord and Savior Jesus Christ on March 28, 2010.

Ray was born June 3, 1928, at Bozeman Deaconess Hospital to Delmar "Bud" and Ann White. He attended Irving Elementary School and graduated from Gallatin High School in 1946. During high school he worked for his dad delivering gas for the Litening Gas Company and also worked part-time for Stanley Lemon at State Auto.

Ray was a contract hauler for the Bozeman Pea Cannery (1947-48) and then worked for the National Guard 210th Combat Engineer Battalion from 1948-49.

Ray met his lifelong partner, Shirley McKenzie in 1947, and on Aug. 3, 1950, they were married at First Presbyterian Church in Bozeman.

Ray helped his dad on the ranch and worked for both the Kessler and Darigold creameries from 1954-58. He and Shirley built a house on the ranch in 1957 and a milking barn in 1958. Ray drove school bus from 1963-69, and in 1968 he sold the milk cows and went into the beef cow business which he enjoyed the rest of his life.

Ray workr in the Gallatin County assessor's office in 1969. He was elected county assessor in 1973 and served in that capacity until 1984, when he was elected Gallatin County commissioner. In 1990 Ray retired to his love of ranching, raising cows and Shirl's honey-do list.

Ray was a member of the Gallatin Farm Bureau board,

Sons and Daughters of Gallatin County Pioneers member and president, Pioneer Museum board, Bozeman City-County planning board, Gallatin County Planning and Zoning Commission, Gallatin County assessor, Montana Assessors Association member and president, Gallatin County commissioner, Gallatin County Refuse District Board, Gallatin County Study Commission, First Presbyterian Church, A.P.A. president, BPOE #463, 50-year life member.

Ray and Shirl were never apart over nearly 60 years of marriage, enjoying many trips together including to the coast of Oregon, the Calgary Stampede, taking the boat to the lake and traveling through Yellowstone Park in the summer by car and on snowmobiles in the winter. Ray took great pleasure in raising his cattle and putting up hay in the summer. He always found the time to spend with his family and especially the many trips to the family cabin up the Gallatin. He was an avid fisherman and hunter.

After retirement you'd always find Ray working on projects in his shop at the ranch. He was very proud of his 1948 Dodge he restored with the help of his boys. He purchased the car new from Rolfe & Mest in Bozeman and took it on his first date with Shirley.

He is survived by three sons, Gallatin County Commissioner Steve White (Pam "PJ"), Kerry (Patty), and Craig (Gretchen); grandchildren, Matthew (Rachel), Kimberly (Nick Poncelet), Timothy and Brian; great-grandchildren, Owen and Nora Poncelet; brother, Jack White (Rita); and numerous nieces, nephews and cousins.

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MACo News

Phyllis Hill Dumon 1919~2010



Phyllis Hill Dumon, 90, passed away at the Marias Care Center in Shelby on Friday, March 12, 2010, from natural causes.

Phyllis was born on August 10, 1919, in Rudyard, to Harry and Esther (Robertson) Hill. As a child, she moved to Detroit, Mich., attended schools there, and met and married Joseph Dumon on June 29, 1940. After

World War II, they moved to Kevin, living there for 27 years. Phyllis worked in the Toole County Treasurer's Office for 13 years, and was elected Toole County Assessor in 1966, serving two terms in office. Phyllis was also a lifetime member of the Ladies Auxiliary V.F.W. Phyllis and Doris Rambo was instrumental in bringing Weight Watchers to Montana and western North Dakota, traveling extensively and lecturing to classes in the two states. Phyllis realized her life dream of helping others.

After retiring, she and Joe spent the winters in Arizona, and summers at their cabin in Coram. She moved to Shelby after Joe died in 1998. Her latest job was a volunteer folding the newsletter for the City of Shelby, and she may have stayed up half the night to accomplish her goal.

Phyllis loved so many things: she played golf, was an avid bowler, loved to entertain, and was fond of animals,

especially dogs. She taught so many how to play pinochle, and would play any kind of card game for hours. Phyllis loved to laugh, and had the motto "mind over matter," and the mindset that anyone could accomplish anything.

Phyllis is survived by her daughter, Denise (Larry) McCormick of Shelby; and son, David (Kim) Dumon of Somers. Grandchildren surviving are Jeff and Janelle Platt of Wilsonville, Ore., Leann and Mario Birsa of Anthem, Ariz., Dena and Mike Akers of Fayetteville, N.C., and Tori and Derek Price of Kalispell. She is also survived by great-grandchildren Johnny, Jadyn, and Julie Platt, McKenzie Wisdom, Joseph Birsa, Byron Akers and baby Akers due in August, Audrey and Piper Price, as well as many nieces and nephews. She is preceded in death by her husband, Joe, in 1998; great-granddaughter, Taylor Wisdom, in 2009, and niece, Connie Hill Merlo, in 2010.

The family suggests memorials to the newly established Prairie Oasis Animal Shelter in Shelby. Donations should be directed to Denise McCormick or David Dumon. Condolences for the family may be sent to www.whittedfuneralchapel.com.



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Around Our Counties

Law Enforcement

GALLTIN COUNTY Sheriff's Office acquired a 40 foot long, 14 foot wide mobile command vehicle with the help of grant money from Homeland Security. The vehicle cost nearly \$400,000 and could be used as a temporary command center during emergencies, large events or to link communication to the county's canyons during a disaster. It contains eight workstations, 15 radios and a meeting room, a small kitchen and satellite service.

FLATHEAD COUNTY Library was broken into by two men planning to steal laptops. The men were stopped after police officers spotted a woman in the bushes, and after questioning her, found the two men in the building. The men, Caleb Davis and Gary Armaly, entered the building through a window and face felony burglary charges.

BIG HORN COUNTY sheriff's office and the National Park Service made their assist and respond arrangement official. The agreement gives the park service authority to detain and do initial response on the scene. The sheriff's department currently does dispatch for the park and assists during emergencies, and the agreement makes clear that each party is responsible for their own officers.

LINCOLN COUNTY Justice of the Peace, Stormy Langston, was able to re-

turn to her office, after having to rent an offsite facility for the past five months due to a fire that gutted her office. Eric Haas has been charged with one count of felony arson and seven counts of burglary for other burglaries the same night of the fire. The cost of the repair is continues, but is currently estimated at \$300,000.

ROOSEVELT COUNTY Sheriff Deputy Dan McKee has been selected a winner of a Top Cop award. McKee and his K9 partner, Sonja, are being recognized for their response to the shootings at the hospital in Glasgow last January. McKee will receive the award in Washington, D.C. May 14.

STILLWATER COUNTY Dispatch experienced what most county officials only have nightmares about— computer drives crashed along with backups, and they lost 10 years of data. With the data went their ability to use their automated search system and the ability to enter calls for service— calls are currently being written by hand. Sheriff Clifford Brophy has requested a new server with three backups to prevent future loss.

MADISON COUNTY Emergency Operation Center plans to relocate to the newly opened Emergency Management Center, between Nevada City and Virginia City. The EOC is currently in

the courthouse, but because the building is unreinforced masonry, it may not withstand an emergency, such as an earthquake, and suffers electrical barriers. The new location will add the benefit of a backup dispatch center, and new equipment will be purchased with a grant from Public Health Emergency Response.

Personnel

CARBON COUNTY past attorney, Robert L. Eddleman was disbarred by the Montana Supreme Court while serving a sentence for conspiracy to maintain premises for cocaine distribution. He was Carbon County Attorney 2006 to 2008, when he was put on leave without pay after his indictment, then resigned in 2009 as part of his plea agreement. Eddleman was one of eight people convicted in the case for drug related charges.

YELLOWSTONE COUNTY chief criminal prosecutor retired after six years of service with the county. Mark Murphy's legal career spanned more than three decades, mostly spent prosecuting some of the state's most dangerous criminals, and was the first Montana attorney to use DNA evidence in a murder trial. Murphy has accepted a lobbyist position with the Montana County Attorneys Association, and the county will promote Rod Souza to chief criminal prosecu-

tor.

HILL COUNTY clerk and recorder, Diane Mellem, retired after 41 years with the county. She spent 14 years working for the county commissioners, then ran for clerk and recorder in 1982. She will be replaced by Darla Dahl, a 10 year veteran of the clerk and recorder's office.

Transportation

CARTER COUNTY Senior Citizen Center used stimulus funds to purchase a Conversion Minivan. The minivan cost \$39,600, which was provided through the Montana Department of Transportation at no local match. The center now has a bus and the van to transport members.

FALLON COUNTY Council on Aging Public Transportation Program acquired a 2009 15-passenger Dodge Sprinter with stimulus money. The Sprinter was added to a fleet of a Fallon Flyer and a Dodge Caravan. The program has also recently been able to expand to provide transportation to all citizens, regardless of age.

VALLEY COUNTY Road Department employees, who work four 10-hour days, will receive a one percent raise to make up for pay lost during holidays. These employees are paid for eight hours during holidays. The 1 percent raise will affect about 85 employees and will cost the county around \$31,000 a year.



Around Our Counties

Continued on page 15
MADISON COUNTY Duncan District Road got a makeover and new bridge after causing load limitations for residents and county workers for years. The project included paving two miles of the road and replacing the bridge, which cost the county around \$240,000. Nearly half of the amount was paid for by a Montana Treasure State Endowment Program grant.

RAVALLI COUNTY residents will notice ancillary work has begun to widen U.S. Highway 93 through Victor. The county is building Clark Street, a new north-south road east of the highway through town, to collect local traffic. The state will soon begin work on Railroad Lane, a second north-south road to run between Clark Street and the highway.

Projects

CARBON COUNTY has been awarded an American Recovery and Reinvestment Act Energy Efficiency and Conservation block grant from the Montana Department of Environmental Quality in the amount of \$63,648. The money will be used to improve the energy efficiency of the building they are currently building to replace their shop that burned down last year. The building will have radiant heating and higher rated insulation.

POWELL COUNTY Courthouse has over 300 newly installed energy efficient windows, thanks to HB 645 funds and a Environmental

Quality Energy Efficiency and Conservation Block Grant. An update to the heating, ventilation and cooling system was also in order. Because of the upgrade, the county will receive a \$5,824 rebate from NorthWestern Energy.

Miscellany

RAVALLI COUNTY Commission voted against adopting a resolution that would require permission from all lien holders before human remains could be buried on private property. The commission, did however, vote to require site registration with the county clerk and recorder, setbacks from property lines and wells. Currently, state law regulates private burials, but does not require a recording of locations on private property, unless there are more than five burials.

LINCOLN COUNTY has expanded their recycling program due to popular demand, and thanks to a \$25,000 grant from the Department of Environmental Quality. The program started in Eureka and soon outgrew the facilities. The grant will be used to purchase larger trailers for Eureka and will expand to the Libby and Troy area.

GLACIER COUNTY held a convergence of governments to discuss infrastructure, animal control, facility swaps and cross deputization, among other things. The meeting included Mike Waite of

U.S. Congressman Denny Rehberg's office, the Blackfeet Department of Transportation, Browning Mayor Lockley Brennar and county commissioners. The Centennial of Glacier National Park was also discussed at the meeting.

CUSTER COUNTY Commission held a meeting to discuss a county growth policy. The county has contracted with DOWL-HKM to create the policy. Completion of a draft is scheduled for this summer.

STILLWATER COUNTY Weed District Coordinator discovered an intruder – invasive weed Yellow Starthistle, a plant native to Balkan-Asia Minor, the Middle East and south central Europe. This weed is responsible for infesting 15 million acres in California and is toxic to horses. The plant has been spotted in eight other counties, but this is the first established colony found in Montana. *Go to www.mtweed.org for pictures and more information about Yellow Starthistle.*

MINERAL COUNTY Museum received a blessing from county commission-

ers for a new display in the front lawn of the courthouse. The display will include a water cannon, a large gold pan and other mining and logging tools. Sue Mclees, who works at the museum, is in the midst of finding funds and donations for the project, as well as bids.

YELLOWSTONE COUNTY absentee voters now make up 43 percent of voters in the county. School elections became all-mail-ballot in 2007, and since then, requests for mail ballots have exploded and voter participation has increased. Absentee voters tend to return their ballots immediately, which is changing the way campaigns are run in the county.

PARK COUNTY Planning Department has adopted a new name and scope. Commissioners approved creating a Park County Community Development Department so staff can use the slower times to focus on development of economic opportunity in the area, searching for grants and working on more long term projects. Phillip Fletcher, the director of the former Planning Department will oversee the newly named department and no new staff will be hired.

Lewis & Clark County Burn Permit Service 2010 Stats

709 permits purchased, 75% online

815 permits renewed, 43% online

2,891 activated, 40% online

Calls diverted from dispatch center emergency personnel: 2,778

Call Becki Kolenberg, 449-3468 for more info



Announcements & Reminders

May

- 6-7 Environmental Quality Council Meeting
 - 11 Dist. 4, 5 Meeting, Conrad
 - 11-12 Water Policy Interim Committee Meeting
 - 13 Energy & Telecomm. Interim Com. Meeting
 - 21 Dist. 8, 9, 12 Meeting
 - 24 Dist. 6, 7 Meeting, Location TBA
 - 25-26 Economic Affairs Interim Com., Capt. Rm 137
 - 26-28 NACo WIR Conference, Billings
 - 28 District & Apportion Comm., Capt. Rm 137 10 a.
- Dist. Meetings 1,2,3 and 10,11 TBA

June

- 17 JPIA Trustee Meeting, MACo
- 17-19 MT Fire Alliance Conference
- 18 JPIA Defense Counsel Meeting, MACo
- 29 MACo Board of Directors Budget Adoption Meeting, MACo
- 29-30 Law and Justice Committee

Upcoming Events

Sept. 26-30 MACo 101st Annual Conference, Billings

*All events are held in Helena unless noted.

MAY MACo 2010 Elected Officials Directory updates/corrections (accumulated corrections will be printed in June MACo News):

The Prairie County Road Department can be reached at roaddept45@gmail.com

Meagher County former commissioner Bernie Lucas' seat has been filled by Nancy Schlepp, who can be emailed at nschlepp@meaghercounty.mt.gov.

Big Horn County Commission appointed Kim Yarlott as clerk and recorder. She can be emailed at kyarlott@co.bighorn.mt.us.

Chouteau County clerk and recorder, JoAnn Johnson can be emailed at joann19@itstria.com.

McCone County Commission has appointed Aaron King to fill the vacant seat. He can be contacted at akfarm@wb.midrivers.com, P.O. Box 771, Wolf Point 59201 or 525-3629.

Rosebud County attorney, Michael Hayworth can be emailed at mhayworth@rosebudcountymt.com

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7. Maureen Davey, Stillwater County
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