

**COMMISSIONERS PROCEEDINGS
REGULAR SESSION
January 6, 2014**

BOARD MEMBERS PRESENT:

CHAIRMAN: Robert P. Cosgriff
VICE-CHAIRMAN: Jerry L. Coldwell
MEMBER: Teddy R. Robertson

MINUTES TAKEN BY: Carla McWilliams

CALL TO ORDER – ROLL CALL

Chairman Cosgriff called the meeting to order at 9:00 a.m.

AGENDA

Motion by Robertson and seconded by Coldwell to approve the agenda as posted 48 hours ago. Motion carried unanimously.

GARY RYDER – COUNTY ATTORNEY

Discussed the situation with Sheriff Edwards taking a job in the oil field. Ryder said elected officials could be out of the State up to five days but has changed to two weeks. Edwards did not notify the Commissioners of his intent to get another job. Edwards has been asking for another officer and since he has taken another job it has made the situation worse. Ryder said Edwards needs to visit with the Commissioners and possibly have special meeting on Wednesday.

STEVE MOTHERSHEAD – ROAD DEPARTMENT

Alfred Jordan has been urging Mothershead to apply for the road supervisor position. Cosgriff asked if anything was getting done in the shop. Mothershead said he would like to put a flat blade on the Volvo. Discussed the big hill on the Hell Creek road. Mothershead said he thought some of the loose gravel on the edges could be drug across the road. Discussed which projects need to be completed next year. Mothershead has not heard of any plugged roads. Cosgriff asked Mothershead to check on how much gravel has been used the past year and which pits it was taken from for the yearly report to the State and to pay for the gravel. Discussed permitting the pit on the river and which side should be permitted.

ANNE MILLER – WEBSITE

Discussed preliminary website. Robertson asked if the different departments should pay for part of the website past the contact information page.. Miller said if one of the boards wanted to put something on the website there would be an additional cost. There are items that can be added at a later date. Miller said she would like to get public comment on what people want to see on the site. Miller asked when the website should go live. Commissioners said she should go live as soon as possible.

REORGANIZATION

Motion by Robertson and seconded by Coldwell to appoint Cosgriff as Chairman. Motion carried. Motion by Coldwell and seconded by Cosgriff to appoint Robertson as Vice-Chairman. Motion carried unanimously.

Recessed for lunch at 12:00 p.m.

Reconvened by Chairman Cosgriff at 1:00 p.m.

SUSAN BALDWIN / SANDY YOUNGBAUER – CENTRAL MONTANA HEALTH DISTRICT

Baldwin said there was a contract entered into before any services could be performed. Deen Pomeroy was to conduct the services for waste water and didn't communicate very well. Baldwin said the local businesses were a little anxious about having a new sanitarian but she said there were no serious infractions. Baldwin said she felt that all the inspections could be done within one day. Baldwin said Pomeroy's visits to Rock Creek were necessary but the Health District was not aware that the inspections were needed by the Corps of Engineers and DEQ. Baldwin said since DEQ has approved the systems she can go ahead and sign the letters. Discussed how Garfield County can be reimbursed for inspections. Cosgriff asked how inspections are done for waste water systems. Baldwin explained the process and what will need to be done. Baldwin said the license fees paid by local businesses to the State should be reimbursed to the County. Also discussed some of the exemptions that are allowed. Discussed bill for services performed by Deen Pomeroy. Commissioners asked if the County could bill the Corps for these services. Baldwin said with a fee schedule established, the County could do this. Cosgriff said the County did not ask for the inspections at Rock Creek so Garfield County should not be required to pay for them. Baldwin said she understood the contract was to cover the licensed business and was not to cover waste water systems. Youngbauer said Garfield County should pay for the inspection at Fellman's and send the one for the inspections at Rock Creek to the Corps of Engineers.

Youngbauer stated the County needs to send a letter to Corps stating that the services were provided before contract was entered into with Central Montana Health District. Youngbauer also suggested the Commissioners send a letter to Central Montana Health District stating the County is corresponding with the Corps and asking that they pay for the inspections.

Cosgriff said the Health Board meets quarterly and asked if Baldwin would be interested in attending the meetings. Baldwin said she would be willing to come twice a year. The tentative dates will be March 10, 2014 and September 15, 2014.

Baldwin agreed she would not do any inspections for wastewater. Youngbauer said Fergus County will send a copy of their fee schedule and as soon as Garfield County approves the schedule then the County can charge for the inspections.

PUBLIC SAFETY COMMITTEE

Present was the Public Safety Committee consisting of Rocky Nelson, Colin Murnion and Dave Awbery, Gary Ryder, County Attorney, and Mira Wood, Undersheriff. Wood presented a letter from Sheriff Frank Edwards and stated Edwards had asked that she record the meeting. In the letter Edwards stated he had someone to cover weekends. Cosgriff asked who this was and Wood said Edwards had talked to Custer County Sheriff Tony Harbaugh about sending a

reserve officer and that Robert Edwards could also cover. Wood said Edwards indicated Montana Highway Patrolman Stephen Downs and Game Warden Chase Anderson would be able to assist. Wood said Edwards indicated her schedule would be 80 hours in 7 days and then he would cover for 7 days straight. Cosgriff said in the letter Edwards states the department's schedule will be no different than it is now. Ryder asked if there were any reserve officers in the County. Wood said the only person Edwards talked to was Kelly Pierson. Wood said a notice of hire for reserve officers has to be sent to the State. Wood indicated Edwards terminated Clay Lammers's position and she felt it was for personal reasons. Wood said that Lammers was being investigated. Ryder said no conclusions should be made at this point. Lammers is qualified to be a deputy. Robertson said she has no problem with Edwards getting another job other than he is neglecting his job as Sheriff as his other job is out of State. His 1st responsibility is for the office that he ran for. Ryder said when he talked to Edwards he never mentioned that Lammers was terminated. Cosgriff asked Wood what her suggestion would be. Ryder asked if there was any way to hire locally. Wood said it could take a year to get someone hired. Wood said she can't be mad at him for wanting to make more money. Wood said if she is going to put in all these hours she needs to be paid for her time because she already has 400 hours in comp time. Awbery said Edwards either has to come back to work or hire a deputy. Nelson asked if the County has to continue paying Edwards for the rest of his term if he resigns. Discussed the Interlocal Agreements with the surrounding counties for law enforcement. Woods asked if she is supposed to work the schedule that Edwards set up. Cosgriff said Wood should continue to work her 40 hours like she has done in the past. Wood said Edwards is her supervisor and she must follow his orders. Wood said Edwards notified her on December 19, 2013 that he had taken the job in North Dakota. Ryder contacted Edwards and an executive meeting will be held on Wednesday, January 8, 2014 at 1:30 p.m. Robertson said there is also a financial issue. Wood said she can only accrue 480 hours of total comp time and she already has 400 hours. Ryder said Wood needs to work on a schedule that she feels will work for her. Wood said there is \$1300 in the budget for training. Cosgriff asked Ryder to research what happens if Edwards resigns. Ryder said he would suggest the Commissioners try to work with Sheriff Edwards. Wood said Edwards says the Commissioners have been cutting his budget every year. Robertson indicted his budget is being used for repairs to department vehicles. No action will be taken until Sheriff Edwards can be present.

RESOLUTION NOS. 2014-1, 2014-2, 2014-3, 2014-4 and 2014-5

Motion by Coldwell, seconded by Robertson to pass Resolution 2013-1: Setting Commissioner Meeting dates, Resolution 2013-2: Setting policy regarding rates for reimbursement of travel and per diem expenses, Resolution 2013-3: Designating Garfield County as a Class Six County, and Resolution 2013-4: Procurement of Sand and Sanding from the State of Montana Department of Transportation. Motion carried unanimously.

HEALTH CENTER

Hanz Arnston, Administrator, and Sarah Nordlund, DON, met with Commissioners for weekly meeting. County Attorney Ryder was also present. Arnston presented a letter from the Human Rights Bureau. Arnston asked if Ryder was going to respond to the letter on behalf of the Commissioners and the Health Center. Ryder will contact them to clarify when the deadline is.

RESOLUTION NO. 2014-5.

Motion by Coldwell, seconded by Robertson to approve Resolution 2014-5: Garfield County Health Center Policies and Procedures. Motion carried unanimously.

Ryder requested a closed session to discuss potential litigation and personnel issues.

Chairman Cosgriff then closed the meeting at 4:10 p.m. under the provisions of §2-3-203 to discuss matters of confidentiality with Attorney Ryder, Hanz Arnston and Sarah Nordlund. Meeting opened at 4:35 p.m. No action was taken.

Motion by Coldwell, seconded by Robertson to send letter to Noridian for Medicare payments. Motion carried unanimously.

Nordlund said the nurses have been talking and since Dan Muniak is feeling down and does not feel appreciated they would like to buy him a shotgun that he has been wanting. Nordlund said various people have said they would also like to go in on it. Cosgriff said he does not feel taxpayer dollars should be used for this but the Commissioners could personally contribute if they wished.

Motion by Robertson, seconded by Coldwell to authorize Chairman to sign letter to Central Montana Health District regarding bill for inspection of wastewater systems at Rock Creek.

MINUTES

Motion by Robertson and seconded by Cosgriff to approve December 30, 2013 minutes with corrections. Motion carried unanimously.

Meeting adjourned at 5:00 p.m. The next regular meeting is scheduled for January 13, 2014, at 9:00 a.m.

GARFIELD COUNTY COMMISSIONERS:

Robert P. Cosgriff – Chairman

Teddy R. Robertson – Vice-Chairman

Jerry L. Coldwell – Member

ATTEST:

Janet Sherer, Clerk & Recorder

RESOLUTION - 2014-01
Commissioner Meeting Days

WHEREAS, the Board of County Commissioners of Garfield County schedule regular days to be in session, and

WHEREAS, on the first regularly scheduled meeting day of 2014, which is January 6, 2014, the Commissioners moved, seconded and approved to set meeting days as follows: the first, second and third Monday of the month, and the second to last working day of the month, and

WHEREAS, if a holiday falls on one of the regularly scheduled days, the meeting day will be the day following the regularly scheduled day, and

NOW, THEREFORE, BE IT RESOLVED, that as of this date, January 6, 2014, regularly scheduled sessions of the Board of County Commissioners are as stated above.

PASSED AND APPROVED this 6th day of January, 2014.

GARFIELD COUNTY COMMISSIONERS

Robert P. Cosgriff, Chairman

Teddy R. Robertson, Vice-Chairman

Jerry L. Coldwell, Member

ATTEST:

Clerk & Recorder

RESOLUTION - 2014-02
Travel & Per Diem Expenses

WHEREAS; Garfield County has policy regarding rates for reimbursement of travel and per diem expenses for elected officials and county employees who travel out of the County on approved County business, and

WHEREAS; these rates change periodically, the County will continue to use the prevailing State rates as authorized by MCA Sections 2-18-501 and 2-18-503, and

NOW, THEREFORE, BE IT RESOLVED, that as of this date, January 6, 2014, Garfield County will use the prevailing State rates that are in effect at this time.

PASSED AND APPROVED this 6th day of January, 2014.

GARFIELD COUNTY COMMISSIONERS

Robert P. Cosgriff, Chairman

Teddy R. Robertson, Vice-Chairman

Jerry L. Coldwell, Member

ATTEST:

Clerk & Recorder

RESOLUTION - 2014-03
Taxable Valuation – Class Six (6) County

WHEREAS; as required by MCA 7-1-211, the Board of County Commissioners must designate the class to which such county belongs, as determined by the taxable valuation and the Montana Department of Revenue, and

WHEREAS; Garfield County has been notified of the taxable valuation as of July, 2013, and

NOW, THEREFORE, BE IT RESOLVED, that Garfield County is a Class Six (6) County, and

THEREFORE, BE IT FURTHER RESOLVED, that such classification shall not change the government of the county then in existence until the next succeeding first Monday in January.

PASSED AND APPROVED this 6th day of January, 2014.

GARFIELD COUNTY COMMISSIONERS

Robert P. Cosgriff, Chairman

Teddy R. Robertson, Vice-Chairman

Jerry L. Coldwell, Member

ATTEST:

Clerk & Recorder

RESOLUTION - 2014-04

A RESOLUTION FOR THE PROCUREMENT OF SAND AND SANDING FROM THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION

WHEREAS; the Garfield County Commissioners, in regular session on the 6th day of January, 2014, have determined that it is in the best interests of Garfield County, hereby adopt the following resolution:

NOW, THEREFORE, BE IT RESOLVED, that Garfield County will enter into an agreement with the State of Montana Department of Transportation to purchase sand and or sanding services for use on county property under icy conditions. Reasonable reimbursement will be made to the Montana Department of Transportation by Garfield County upon receipt of billing for the services requested.

PASSED AND APPROVED this 6th day of January, 2014.

GARFIELD COUNTY COMMISSIONERS

Robert P. Cosgriff, Chairman

Teddy R. Robertson, Vice-Chairman

Jerry L. Coldwell, Member

ATTEST:

Clerk & Recorder

RESOLUTION 2013-5

GARFIELD COUNTY HEALTH CENTER POLICIES AND PROCEDURES

WHEREAS, the Garfield County Health Center has a Policy and Procedure Manual; and

WHEREAS, Garfield County has determined that the existing Policy and Procedure Manual may need amended in the future; and

NOW, THEREFORE, BE IT RESOLVED, that Garfield County hereby adopts the existing Garfield County Health Center Policies and Procedures effective as of this date, to include any changes previously approved by the Board, County Commissioners, to be reviewed and/or amended annually.

PASS AND APPROVED this 6th day of January, 2014.

GARFIELD COUNTY COMMISSIONERS

Robert P. Cosgriff, Chairman

Teddy R. Robertson, Vice-Chairman

Jerry L. Coldwell, Member

ATTEST:

Clerk & Recorder