

STILLWATER COUNTY COMMISSIONERS MINUTES

Notice: These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder (MCA 7-4-2611(2)(b)).

REGULAR MEETING JANUARY 3, 2017

Present: Commissioners Dennis Shupak, Chair; Maureen Davey, and Mark Crago, Members; and Lori Dobitz, Administrative Assistant.

Others Present: Lee Cornell, Justice of Peace; Jerry Friend, Treasurer; Carol Arkell, DES; Sheriff Clifford Brophy; Nancy Rohde, County Attorney; and Marlo Pronovost, Stillwater County News.

Open Meeting: Commissioner Shupak opened the meeting at 9:00 am with the pledge to the flag.

Minute Approval: Commissioner Davey **MOVED** to approve the minutes of November 22 and November 29, 2016. Commissioner Crago **SECONDED**. Motion passed unanimously.

Regular Business: RESOLUTIONS - Commissioner's Organizational Resolutions:

- a. 2017-01 - Commissioner Davey read Resolution 2017-01 to establish re-organization of the Board of County Commissioners, elect a presiding officer (7-4-2109 MCA); and name commissioner liaisons to county boards. Commissioner Crago **MOVED** to adopt **Resolution 2017-01** as read. Commissioner Davey **SECONDED**. Motion passed unanimously. Commissioner Shupak was named presiding officer for 2017. The Resolution has been filed in the Clerk & Records Office Document No. 367510.
- b. 2017-02 - Commissioner Crago read Resolution 2017-02 to set the Commissioners meeting days (7-5-2122 MCA) and designating locations where notice is provided by posting (7-1-2123 MCA) of the governing body. Commissioner Davey **MOVED** to adopt **Resolution 2017-02** as read. Commissioner Crago **SECONDED**. Motion passed unanimously. The Resolution has been filed in the Clerk & Records Office Document No. 367511.
- c. 2017-03 - Commissioner Davey read Resolution 2017-03 to set travel, meals, and lodging rates (pursuant to 2-18-501 through 2-18-503 MCA) for Stillwater County employees for Calendar Year 2017. Commissioner Crago **MOVED** to adopt **Resolution 2017-03** as read. Commissioner Davey **SECONDED**. Motion passed unanimously. The Resolution has been filed in the Clerk & Records Office Document No. 367512.

Consent Agenda: Commissioner Davey **MOVED** to pull the Facilities Professional Services Agreement for On-call Electrical Services between Thunder Gulch Electrical, LLC off the consent agenda and move it to the regular business. Commissioner Crago **SECONDED**. Motion passed unanimously.

Commissioner Davey said the commission received the agreement last week and she would like some clarification from the county attorney. Commissioner Davey stated the original agreement we received listed the 4th Judicial District as the venue for disputes and had the county attorney's office confirmed that it should be the 22nd Judicial District. The agreement states the county is an independent contractor, Davey stated, because it says "however at times each party shall remain an independent contractor with respect to the other". Nancy Rohde, County Attorney, said it means that you and the contractor are independent from each other, he is not an independent contractor, nor is the county, as she has already checked, Rohde said. That is why we need this format for professional services. Rohde explained that it is saying that you are both independent contractors in the term that you are people contracting, it is not specifying you being an independent contractor as defined by the Department of Labor. Commissioner Davey questioned if Thunder Gulch Electrical, LLC, was an independent contractor. Rohde said no he is not, he is providing you a professional service, he does not have an exemption for an independent contractor. Commissioner Davey thanked the county attorney for her clarification. Commissioner Crago asked if Thunder Gulch carries his own workers comp. The county attorney stated he should be and the contract requires him to provide it.

Commissioner Davey **MOVED** to approve the Professional Services Agreement for On-call Electrical Services between Thunder Gulch Electrical, LLC. Commissioner Crago **SECONDED**. Motion passed unanimously.

Note for Record

On January 4, 2017, George Fredrick Bokma, Thunder Gulch Electrical, LLC., hand-carried and delivered a copy of his Independent Contractors Exemption Certificate issued by the State of Montana effective August 8, 2016 through August 09, 2018. This certificate confirms by the State that he is an independent contractor.

File items: Montana Historical Society - Notification of the Pelton Residence on West Rosebud Creek Road will be considered by the State Historic Preservation Review Board for nomination to the National Register of Historic Places.

Commissioner Davey **MOVED** to place the file item to file. Commissioner Crago **SECONDED**. Motion passed unanimously.

Public Comments: Commissioner Davey and Commissioner Shupak welcomed Commissioner Crago to the county. Commissioner Crago stated he is excited about the job and is ready to serve. Nancy Rohde, County Attorney, welcomed Commissioner Crago and said she can speak on behalf of the department heads and other elected officials that aren't present today, and welcomed him aboard.

Meeting Adjourned: Hearing no further business, Commissioner Shupak adjourned the meeting at 9:17 AM.