STILLWATER COUNTY
COMMISSIONER MINUTES

REGULAR MEETING
June 28, 2022

PRESENT
Commissioners Tyrel Hamilton, Chair, Steve Riveland, member. Heidi L. Stadel, Clerk & Recorder

Others Present: Jerry Friend, Treasurer; Chip Kem, Sheriff; Jen Hoines, Human Resources; Leonard Malin, Finance; Jeff Ruffatto, Commissioner Elect; Marlo Pronovost, Stillwater County News. Citizens; Dan O'Neil, Melanie Kossan.

PLEDGE
Commissioner Hamilton opened the meeting with the Pledge of Allegiance.

MINUTES
May 17, 2022. Commissioner Riveland MOVED to approve the minutes from May 17, 2022. Commissioner Hamilton SECONDED. No discussion. Motion passed unanimously.

CLAIMS
None Presented

ANNOUNCEMENTS
Commissioner Hamilton announced that Kevin Ray reported that the guard rail for the bridge at the Rocking J should be completed in the next two to three hours and after that the signs will be pulled and will be open for traffic. Ingersoll Road is open on the Carbon County side and Grove Creek is still open. The county will continue to work on roads on the priority list. Commissioner Riveland added that the pilot car service will be done at 6:00 p.m.

FILE ITEMS

DES
A) Delegation of authority and leaders’ intent for Stillwater County 2022 flooding.

Treasurer
A) Report for the month of May in the amount of $67,648,478.85.

Commissioner Riveland MOVED to file the file items. Commissioner Hamilton SECONDED. Motion passed unanimously.

REGULAR BUSINESS

Commission
A) Resolution 2022-24 establishing the compensation for elected officials for fiscal year 2022-2023. Commissioner Hamilton stated that the compensation board met in April and May and decided on a 4% increase to the elected official’s compensation and this will be the base increase for all county employees as well. The Sheriff’s department was also approved for a $3000.00 add on per MCA 7-4-2503 which will carry down to the deputies per statute. Commissioner Riveland MOVED to approve Resolution 2022-24 establishing the compensation for elected officials for fiscal year 2022-2023. Commissioner Hamilton SECONDED. No further discussion. Motion passed unanimously.

B) Resolution 2022-25 establishing mileage, lodging and per diem rates for business travel for July 2022 – December 2022. Commissioner Hamilton explained that the mileage rates increased to 62.5 cents per mile for the first 1,000 miles in a calendar month and 59.5 cents per mile thereafter. Commissioner Riveland MOVED to approve Resolution 2022-25 establishing mileage, lodging and per diem rates for business travel for July 2022 – December 2022. Commissioner Hamilton SECONDED. No further discussion. Motion passed unanimously.
Planning
A) Extension of services with CTA for county land surveying. Commissioner Hamilton explained that this is a one-year extension to the current contract. This is just county land surveying. Prior to this it included planning which was taken out of the contract. Last week Forrest Mandeville was awarded the on-call planning services. This is just for surveying. This is not to exceed $3,000.00 per month. Commissioner Riveland MOVED to approve the Extension of services with CTA for county land surveying. Commissioner Hamilton SECONDED. No discussion. Motion passed unanimously.

Human Resources
A) Amendment to the county employee group benefit plan document. Jen Haines explained that under review of the plan document and to bring the group into compliance, they have a line item with the ACA of 1557. This brings the plan into compliance. On two items that include sex changes as well as dependent pregnancies and that will bring the county into compliance with that. The other item is a non-compliant item. This is actually a piece that benefits the employees that changes the open enrollment period from a June open enrollment window to a December open enrollment window, the reason for that is that the county has individuals participating in that open enrollment window in June and the plan year is a January 1 effective date and the individual would have to meet two deductibles. The third item to bring the county into compliance the Montana Code Annotated under 2-18-704 is the age limitation to the plan of retirees of 65. The plan has been outside of the Montana Code Annotated and the county will be notifying retirees of that 65-age limit that they will transition to Medicare. Marlo Pronovost asked about the first item, to bring into compliance that Jen specifically said it deals with sex changes and dependent pregnancies. Jen replied that under ACA 1557 there is language that if an organization receives any federal funding, this is required. Marlo Pronovost asked if the county would potentially pay for that. Jen replied that it would be covered. Commissioner Riveland MOVED to approve the amendment to the county employee group benefit plan. Commissioner Hamilton SECONDED. No discussion. Motion passed unanimously.

PUBLIC COMMENTS ON COUNTY BUSINESS – Dan O’Neil commented that he sees that the Commission is tabling again the issue of impaneling a new Commissioner for the remainder of the term for the Commissioner who resigned. He would like to remind that Commission that Montana Code Annotated does not give the Commission an option. This is not something you can ignore. It is his understanding that the scuttlebutt is that the Commission has been counseled to use caution in doing this because it might, emphasis on might, lead to a lawsuit from someone who shall remain nameless in the future if that person decides to run as a write-in candidate. The following law protects the Commission from just about anything like that, not following the law opens the Commission up to a lawsuit. His counsel to the Commission is, just being a citizen, follow the law, do what needs to be done and impanel that person. The Commission is running the county in the midst of a crisis with the floods with only two out of three Commissioners. He would say that the Commission would probably need some help. It would be better to have someone help you and yet the Commission is still ignoring this issue and not following the law and he is wondering why they are not following the law. The gentlemen requested a comment to perhaps why the Commission is ignoring this issue going forward. Commissioner Riveland responded that technically under open meeting laws, the Commission talks public comment and is really not supposed to engage in discussion per code. Commissioner Riveland stated that he would offer a short statement. The Commission is not ignoring it and the Commission is operating under legal counsel of both the county’s legal counsel and the Montana Association of Counties, MACO. That is as much as can be discussed under the public comment section. Commissioner Hamilton added that he does not feel like the Commission is ignoring it. The county is in the middle of a crisis. The Commission has not had a chance to have a discussion meeting on the names presented and put an agenda item on the table. The Commission is not ignoring it but it is something the Commission needs to discuss and that meeting would have to be scheduled for that discussion. Dan O’Neil asked is it is likely to be on the agenda in the near future or are they going to wait until the meeting after
September 7th to have it on the agenda. Commissioner Hamilton replied that he did not know the answer to that question sitting right here today.

Norman Moss commented that he has recently moved to Park City. He noticed that in this week’s Stillwater County News the listing of the distribution of mine impact funds to school districts. Glaringly missed were two school districts in Park City. Norman has received third hand information as to why that situation exists. Where does one go to get clarity on that subject. Commissioner Hamilton replied that he can take time after this meeting and explain why Park City is not on that list.

Commission Hamilton added that during the announcements it was missed that with next week being July 5th, there will not be an agenda meeting. It was canceled per resolution in May. The traveling agenda meeting that would have taken place then will be held on July 12th in Columbus at the City Hall at 6:30 p.m.

With no further comments heard the meeting was adjourned at 9:14 a.m.

APPROVED BY: /s/ Tyrel Hamilton, Commissioner Chairman

ATTEST: Heidi L. Stadel, Clerk and Recorder