

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA
Held in October 2023**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on October 4, 11, 18, and 25, 2023.

OCTOBER 4, 2023 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Public- Paul Anderberg, Dane Stewart

MONTANA CANCER & CHRONIC DISEASE SELF-MANAGEMENT PROGRAM
SUBCONTRACT APPROVED

Commissioner Kuka moved to approve the Montana Cancer & Chronic Disease Management Program Subcontract with Teton County as Administrative Site for fiscal year 2023-24. The County will receive \$37,200.00 to provide early stage cancer detection services and education. Commissioner Drishinski seconded. Motion carried.

EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) COUNTY
CONTRIBUTION COMMITMENT

Commissioner Drishinski moved to sign a letter of commitment for \$34,377.00 (50% match) for the FY2023-24 EMPG program period October 1, 2023 through September 30, 2024. Commissioner Kuka seconded. Motion carried.

ENCROACHMENT AGREEMENT REQUESTED BY MV FARM

Commissioner Drishinski moved to approve an Encroachment Agreement for MV Farm on Dean Road. Commissioner Kuka seconded. Motion carried.

RESOLUTION ON FIXING THE MILL LEVY FOR THE STATE EQUALIZATION,
COUNTY HIGH SCHOOL EQUALIZATION AND COUNTY ELEMENTARY
EQUALIZATION MILL LEVY AUTHORITY FOR THE FISCAL YEAR BEGINNING
JULY 1, 2023 AND ENDING JUNE 30, 2023

PONDERA COUNTY, MONTANA
RESOLUTION #9 – 2023/24

A RESOLUTION FIXING THE MILL LEVY FOR THE STATE EQUALIZATION,
COUNTY HIGH SCHOOL EQUALIZATION AND COUNTY ELEMENTARY
EQUALIZATION MILL LEVY AUTHORITY FOR THE FISCAL YEAR BEGINNING
JULY 1, 2023 AND ENDING JUNE 30, 2024

WHEREAS, the Department of Revenue has indicated the number of mills that the board of county commissioners may levy upon all property in the state and has determined that the ad valorem tax for Fiscal Year 2024 for the State Equalization Aid is 40.00 mills, the County Elementary Equalization Levy is 33.00 mills, and the High School Equalization Levy is 22.00 mills; and,

WHEREAS, Section 15-10-420(8), MCA states The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill; and,

WHEREAS, The Montana Department of Revenue performed the calculation under 15-10-420, MCA, and reported that the levy authority for FY2024 is 77.89 mills; and

WHEREAS, The Board of County Commissioners has determined that the correct number of mills to be levied for Fiscal Year 2024 for the State Equalization Aid is 32.90 mills, the County Elementary Equalization Levy is 27.00 mills, and the High School Equalization Levy is 18.00 mills, for a total of 77.9 mills;

NOW THEREFORE BE IT RESOLVED by the Pondera County Board of County Commissioners that the State Equalization Aid Levy of 32.90 mills, the County Elementary Equalization Levy of 27.00 mills, and the High School Equalization Levy of 18.00 mills, for a total of 77.9 mills, as determined by the Montana Department of Revenue, for Fiscal Year 2024 are hereby fixed.

Adopted this 3rd day of October, 2023 as moved by Commissioner Drishinski, seconded by Commissioner Kuka, and passed on a 3-0 vote of the board. Effective July 1, 2023.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

DATE, TIME AND PLACE SET FOR PUBLIC HEARING OF PROPOSED OFFICE CLOSINGS ON THE DAY AFTER THANKSGIVING

Commissioner Drishinski moved to set Wednesday, October 25, 2023 at 10:00 a.m. in the County Commissioners office as the date, time and place for a public hearing on the proposal to close the county offices on the day after Thanksgiving. Commissioner Kuka seconded. Motion carried.

OCTOBER 11, 2023 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch Public- Paul Anderberg

INVITATION TO STATEMENT OF QUALIFICATION- AIRPORT ENGINEERING

Commissioner Kuka moved and Commissioner Drishinski seconded an invitation to bidders, for a airport engineer. The invitation will be advertised starting October 11th and ending at 10:00 am October 25th. Bid opening will begin 10:00 am November 1st. Motion carried.

RENEWAL OF INMATE EXCESS MEDICAL INSURANCE

Commissioner Drishinski moved and Commissioner Kuka seconded to renew the Inmate Excess Medical Insurance with Correctional Risk Services, Inc. at the rate of \$1.08 per inmate per day for medical coverage, mental/nervous disorder treatment, substance abuse treatment, pregnancy, and AIDS/ARD/HIV treatment. Effective dates of coverage: November 1, 2023 to October 31, 2024. Motion carried.

OCTOBER 18, 2023 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, DES Coordinator Morgan Johnson, Public- Bonnie Field, Jody Field, Pat Montalban (via phone).

Public Comment-

There was discussion on the water dumping near Valier on Field's property. Commissioners would like some questions answered on the wear and tear on the roads.

LEGAL CALL FROM MACO

On 10/13/2023 Commissioners Morren and Kuka participated in a conference call with MACo regarding current legal action against MACo & counties levying 77.9 mills for State Equalization Mills as opposed to 95 mills as directed by the State. MACo has hired outside council to represent counties included in the lawsuit. Any county wishing to

utilize the legal council hired by MACo must pass a resolution and notify MACo as soon as possible.

THIRD DRAWDOWN FOR FEDERAL AVIATION ADMINISTRATION PROJECT PAYMENT

Commissioner Morren moved to approve drawdown #3 for the Federal Aviation Administration Project for the Pondera County Airport in the amount of \$14,870.00. The funds will pay Robert Peccia & Associates to be used towards the Pondera County airport planning grant. Commissioner Drishinski seconded. Motion carried.

ENCROACHMENT AGREEMENT REQUESTED BY ZAYO GROUP-ELLIOTT ETAL

Commissioner Drishinski moved to approve an Encroachment Agreement for Zayo Group-Elliott etal on Dusty Lane. Commissioner Kuka seconded. Motion carried.

RESOLUTION ON AUTHORIZING MACO TO REPRESENT THE INTERESTS OF THE COUNTY IN SEEKING A DECLARATORY JUDGMENT FROM THE MONTANA SUPREME COURT REGARDING STATEWIDE MILLS

PONDERA COUNTY, MONTANA
RESOLUTION #10 – 2023/24

A RESOLUTION AUTHORIZING MACO TO REPRESENT THE INTERESTS OF THE COUNTY IN SEEKING A DECLARATORY JUDGMENT FROM THE MONTANA SUPREME COURT REGARDING STATEWIDE MILLS

WHEREAS, there is an ongoing dispute regarding the calculation and levying of statewide mills authorized by Mont. Code Ann. §§ 20-9-331, 333 and 360 which now requires a judicial resolution; and

WHEREAS, the Montana Quality Education Coalition has filed OP-23-0592, a Writ of Mandate, with the Montana Supreme Court listing all 56 counties as Respondent; and

WHEREAS, the State of Montana has filed an action for declaratory relief against Missoula County and its Commissioners and Treasurer, in the Fourth Judicial District Court; and

WHEREAS, taxpayers and other parties have made public statements indicating an intent to initiate additional lawsuits against various counties; and

WHEREAS, the ongoing dispute regarding the proper calculation and levying of statewide education mills is an issue of statewide importance, impacting every property taxpayer in the State, which can and should be more efficiently resolved by an original action before the Montana Supreme Court than separate lawsuits in different courts; and

WHEREAS, pursuant to Mont. Code Ann. § 7-5-2104 the board of county commissioners has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to direct and control the prosecution and defense of all suits to which the county is a party; and

WHEREAS, Pondera County is a member of the Montana Association of Counties (MACo); and

WHEREAS, MACo has proposed to pursue an original action at the Montana Supreme Court on behalf of its member counties seeking a declaration as the proper interpretation of Mont. Code Ann. § 15-10-420 and the Counties' legal rights and obligations regarding levying of the statewide mills authorized by Mont. Code Ann. §§ 20-9-331, 333 and 360;

NOW THEREFORE BE IT RESOLVED THAT the Pondera Board of County Commissioners authorize MACo to take all steps necessary to file and prosecute an

original action before the Montana Supreme Court regarding the statewide mill levy calculation issues and to represent interests of Pondera County in that action.

Dated this 18th day of October, 2023.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

I have read this resolution.

/s/ Shari Lennon
County Attorney

CONTRACT WITH MONTANA DEPARTMENT OF COMMERCE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AMENDMENT

Commissioner Kuka moved and Commissioner Drishinski seconded to approve the contract with Montana Department of Commerce CDBG. The purpose of this amendment is to extend the County Growth Policy grant. Motion carried.

OCTOBER 25, 2023 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Jim Morren, Commissioner Tom Kuka, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Road/Bridge Superintendent Steve Kaphammer, Public- Janice Farkell, Pinky Thaut, Jaynie Gollehon, Ross Depner, Barb Coffman

Public Comment-

Members from the United Methodist Church of Brady, Montana were present to discuss the poor drainage on the east and north side of the building, Marriot St North and 2nd Ave. Pondera County Road/Bridge department will be installing 4 culverts to help the issue.

OCTOBER 25, 2023 PUBLIC HEARING REGARDING CLOSING COUNTY OFFICES ON FRIDAY, NOVEMBER 24th, 2023

Commissioner Morren called the hearing to order at 10:25 a.m. Those in attendance were Commissioners Kuka, and Morren; Clerk & Recorder Kody Farkell and Deputy Clerk & Recorder Tammy Bartsch, Road/Bridge Superintendent Steve Kaphammer. The purpose of the hearing was to gather public input regarding the closure of county offices on the day after Thanksgiving Day, November 24th, 2023. The hearing was advertised in the Independent Observer and The Valerian on October 11 and 18, 2023.

There was one comment from a member of the public, stating that all offices should be closed on that day and to keep law enforcement on standby.

The Commissioners discussed prior history of closure and that it was not an additional holiday for employees. Employees would have to use vacation time or compensatory time to have the day off.

The hearing adjourned at 10:36 a.m.

RESOLUTION ON DESIGNATING COUNTY OFFICE HOURS – HOLIDAY CLOSINGS

PONDERA COUNTY, MONTANA
RESOLUTION #11 – 2023/24
DESIGNATING COUNTY OFFICE HOURS – HOLIDAY CLOSINGS

WHEREAS, Section 7-4-102, MCA, grants the Board of County Commissioners the power and authority to set office hours of the County offices (by formal resolution after a public hearing and if consented to by any affected elected county officer); and

WHEREAS, it is the intent of the Pondera County Commissioners to provide its employees availability for a long week-end when certain holidays fall on a Tuesday or Thursday; and

WHEREAS a public hearing on this resolution was conducted on Wednesday, October 25, 2023 at 10:00 a.m. in the Pondera County Commissioners office. Notice of the hearing was posted in the Independent Observer and The Valerian on October 11 and 18, 2023, and no elected county officer nor any members of the public objected to the proposed office hours;

WHEREAS, employees will need to use compensatory time accrued and/or vacation hours to receive pay for the hours normally worked. Employees wishing to work during the affected hours and/or employees who do not have vacation and/or compensatory hours to apply to the benefit hours may work the hours.

WHEREAS, each County office will have an employee or elected official on call with phone numbers posted on all courthouse doors in the event a member of the public needs to conduct business on that day;

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that the Pondera County offices will be closed to walk in traffic and open by appointment:

All day, Friday, November 24, 2023 (day after Thanksgiving Day);

BE IT FURTHER RESOLVED that employees will need to use compensatory time accrued and/or vacation hours to receive pay for the hours normally worked. Employees wishing to work during the affected hours and/or employees who do not have vacation and/or compensatory hours to apply to the benefit hours may work.

Adopted this 25th day of October, 2023 as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a 2-0 vote of the full board; Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

Absent
Zane Drishinski, Member

VALIER AIRPORT HANGAR LEASE APPROVED

Commissioner Kuka moved and Commissioner Morren seconded to approve the Valier Airport Hangar Lease with Mike Buel for Unit C1 (512 square feet) for the amount of \$320 per year, effective October 1, 2023. Motion carried.

GRANT APPLICATION FOR AMBULANCE BARN

Commissioner Kuka moved to move forward with a grant application for a new ambulance barn with the Department of Energy Office of Clean Energy. Commissioner Morren seconded. Motion carried.

AGREEMENT WITH 'HERE' FOR MAPPING SERVICES

Commissioner Kuka moved and Commissioner Morren seconded to approve the Letter of Agreement between the County and HERE for E911 and GPS/GIS one time snap shot. Motion carried.

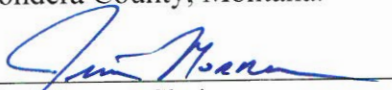
CLAIMS APPROVED FOR PAYMENT

<u>FUND</u>		
Fund	Fund Description	
1000	GENERAL	82,614.73
2110	ROAD	23,643.75
2130	BRIDGE	114.82
2140	WEED	2,865.22
2170	AIRPORT	231,596.63
2190	COMPREHENSIVE INSURANCE	3,824.89
2230	AMBULANCE	169.47
2290	EXTENSION SERVICE	6,707.19
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	14,396.15
2401	BRADY LIGHTS MAINTENANCE	351.31
2800	ALCOHOL REHABILITATION	11,118.00
2830	JUNK VEHICLE	2,505.89
2840	NOXIOUS WEED GRANT	471.57
2850	911 EMERGENCY	21,490.79
2860	LAND USE PLANNING	128.25
2866	NORTHERN TRANSIT INTERLOCAL	17,995.64
2917	VICTIM & WITNESS ADV PROG	102.00
2958	EP (DES) GRANTS	985.79
2963	ORAL HEALTH SERVICES GRANT	495.25
2964	ALLIANCE FOR YOUTH	378.25
2971	WIC GRANT	125.68
2973	MATERNAL CHILD HEALTH	12.89
2976	IMMUNIZATION ACTION GRANT	64.90
2978	CHRONIC DISEASE GRANT	978.68
2995	ARPA	132,635.88
4009	PUBLIC SAFETY CAPITAL IMP	1,029.94
4012	GENERAL FUND CAPITAL IMP	15350.00
TOTAL CLAIMS		572,153.56
TOTAL PAYROLL		\$ 334,454.47
TOTAL CLAIMS AND PAYROLL FUNDS		\$ 906,608.03

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on October 31, 2023

Pondera County, Montana.


 Jim Morren, Chairman

ATTEST:


 Kody L Farkell, Clerk & Recorder

