

**Glacier County Commissioners  
Thursday, May 14, 2020  
Regular Meeting (GoToMeeting)  
Cut Bank, MT**

The Glacier County Board of Commissioners met at a regular scheduled meeting at 9:00 am Tuesday, May 12, 2020. Commissioners Michael DesRosier, Tom McKay & John Overcast was present and Clerk & Recorder Mandi Bird Kennerly taking minutes.

**Present at the Meeting:** Shannon Shanholtzer, MACo Trust Administrator; Travis Clark, Jake Gustafson, Jay Leprowse, Lyndie Kraft, Leavitt Group; 10 Callers, Carolyn Berkram, GC Justice Court; Elaine Mitchell, Public; LeAnne Kavanagh, Press; Linda Luther, Public; Mike Kittson, GC Human Resource; Patty Grubb, Public; Janine Scott, GC District Court all via gotomeeting; Terryl Matt, GC Attorney in person.

**A. Roll Call**

Meeting called to order @ 9:34 a.m.

**B. Approval of Agenda:** Commissioner DesRosier stated he wanted to discuss Ballot Language-Public Safety

**C. Reading of the Minutes: N/A**

**D. Review/Sign: Payroll/Claims**

***Dated for May 14, 2020***

***CLAIMS APPROVED FOR PAYMENT***

<b>FUND</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>
1000	General Fund	\$ 48,602.16
2110	Road Fund	\$ 4,253.54
2140	Weed Control	\$ 101.17
2180	County District Court	\$ 84.17
2220	Library	\$ 647.32
2230	Ambulance	\$ 1,730.76
	<b>TOTAL CLAIMS</b>	<b>\$ 55,419.12</b>
	<b>PAYROLL</b>	<b>\$ 154,385.55</b>
	<b>TOTAL PAYROLL &amp; CLAIMS</b>	<b>\$ 209,804.67</b>

**NEW BUSINESS**

**E. Discussion/Approval: (10:00 a.m.) FY 2020-2021 Glacier County Insurance Renewal Leavitt Group & MACo**

Shannon explained that we are dealing with a very hardening insurance market. The insurance companies are seeing an increase in loss so they are increasing the premiums. She also stated that we are dealing with a lot of high claims. She give some examples of claims that have happened in other counties. She stated that it is using up the equity of the trust. Shannon explains the premium to the Commissioners and changes to the workers compensation. As a result of the reduction of force there is reduction of 15% of overhead

cost. Shannon talks about the MACO meeting and the update they gave to you on workers compensation and bi-laws change. She also stated that we no longer have workers comp as of July 1, 2020 but will touch on that again at a later date. Travis stated that they wanted to touch base on the water claim, Commissioner McKay stated that would be the leadership of Shannon Pepion to the regard. Travis stated that the other item was loss control services, helping with COVID-19, returning to work & help implement policy and procedures. Travis stated that they are opening their doors on May 26<sup>th</sup> they have put policy and procedures in place for that. Travis also stated that they are going to meet Monday on the Montana State Fund workers compensation quote.

**F. Discussion/Approval: Glacier Care Center FY 2019-2020 IGT Payment-Glacier County Commissioners**

Terryl Matt, County Attorney stated that she believes they gave Chancy permission to return, Commissioner DesRosier replied yes. Commissioner McKay stated the counties IGT payment amount is \$120,551.42 and the lump sum payment made to Glacier Care Center is \$165,327.21 from the department.

**Commissioner Overcast motions to approve Glacier Care Center FY 2019-2020 IGT Payment; Commissioner DesRosier seconds the motion; motion carried.**

**G. Discussion/Approval: Public Hearing #2-Resolution #2020-16 FY 2019-2020 Budget Amendment-Unanticipated Revenue**

GLACIER COUNTY RESOLUTION  
FY 2019-2020 Budget Amendment – Unanticipated Revenue  
Resolution No. 2020-16

AUTHORIZING BUDGET AMENDMENTS TO  
GLACIER COUNTY BUDGET

WHEREAS the Montana Code Annotated, Section 7-6-4006(4), grants the Board of County Commissioners the power and authority to amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings; and

WHEREAS Glacier County Commissioners approved the appropriations budget for the Glacier County during its regular budget approval process and errors in revenues and expenditures budget have been identified; and

WHEREAS Glacier County Commissioners identified due to receiving Unanticipated Revenue in the Elections & DNRC Grant Funds; the need to amend revenues and expenditures Fund #1000.410600 and #2865 has been identified; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Glacier County that the budget be corrected as follows:

Revenues	Description	Prior Amount	New Amount
1000-362001	General Fund- Insurance Recovery	\$ 0.00	\$ 24,884.23
2865-334121	DNRC Grant	\$ 6,900.00	\$ 9,900.00
Expenditures			
1000-410600-200	Election - Supplies	\$ 45,000.00	\$ 69,884.23
2865-420460-200	DNRC Grant – Supplies	\$ 6,900.00	\$ 9,900.00

NOW THEREFORE, BE IT RESOLVED that the Glacier County Board of Commissioners hereby amend the original FY 2019-2020 budget by increasing appropriations in the amount of \$27,884.23, and directs the County Clerk & Recorder to allocate the increase to the above identified fund, function, and object codes.

BE IT FURTHER RESOLVED, that the above appropriation shall become effective on May 14, 2020.

ADOPTED this 14th day of May, 2020.

ATTEST:  
  
Mandi Birk, Clerk & Recorder

BOARD OF GLACIER COUNTY  
COMMISSIONERS:

Via conference call  
Michael J. DesRosier, Chairman

[Signature]  
Tom McKay, Vice-Chairman

John B. Overcast  
John B. Overcast, Member

**Commissioner DesRosier motions to approve Resolution #2020-16 FY 2019-2020 Budget Amendment-Unanticipated Revenue; Commissioner Overcast second; motion carried.**

**H. Discussion/Approval: Glacier County Building Closures-Glacier County Commissioners**

Commissioner DesRosier stated that the governor has given the option to open offices, we want to talk with all the officials of what they want to do for the safety of their employees. He also stated that some of the other counties and business are not opening yet. Tom Seifert, Sheriff Captain stated that the Sheriff is doing restricted access and have it locked down, he also stated the Sheriff will visit at a later time. Janine Scott, District Court stated that she compiled a survey list of counties that have opened. Terryl Matt, County Attorney asked Janine if they are requiring to wear masks, Janine stated she did not know. Janine stated that if we could get the barriers up that would help. Janine stated that they had court last Wednesday and had the front door manned by a Deputy and the person going to court was the only one allowed in. Carolyn Berkram stated that normally they have court on Tuesdays but they have changed it to Wednesdays.

Commissioner DesRosier stated that he liked what Tom Seifert suggested a week at a time. Commissioner Overcast stated that talking with Carol the health care nurse she stated that if we had the barriers up this entire time it would have helped. He also stated the question would be is how soon we can get them up. Terryl Matt, County Attorney stated that one concern she had was with the Election coming up she thinks it is an inconvenient, she asks that there be discussion on May 18<sup>th</sup>.

Commissioner Overcast stated that they had COVID-19 discussion of the plexi glass, Shannon is on it, and he also stated that he knows it wouldn't take long. Terryl stated that the tribe has offered to help with the PPE. Commissioner McKay stated to put it on the 5-18-2020 agenda to discuss.

**I. Discussion: Ballot Language-Public Safety**

- Commissioner McKay stated that the commissioners did vote to have a levy election on 3 particular items which include GC EMS Operating Mill Levy, GC EMS Building Levy and Public Safety Operating Levy. He also stated that there was some language in the public safety that drew some concerns.
- Commissioner DesRosier stated that we need to have a serious discussion on this, they are getting a lot of calls from people. He stated that it is important that the voters are informed correctly. Commissioner DesRosier stated that they have never went to the voters before as long as he has been here as a commissioner and asked for tax payers support for any programs. Commissioner DesRosier talks about the old jail/bond and the costs associated with the jail. He stated that with the language wrong it should be a new ballot, he does know that the ballots have already went out and is not sure at where we are at getting new ballots out.

Commissioner DesRosier stated that he would like to hear from the Sheriff's Department.

- Captain Tom Seifert, Sheriff's Office stated that the Sheriff and himself have talked lengthy about this. He stated that it came to their attention Saturday and he notified the Sheriff right away. Tom explained that at the end of the day they are not going to have a chance to get it on the ballot for the voters which is going to cause funding issues for this next year. Even if it goes on the November Ballot and is voted in they will not receive the funding until about this time next year, so they will have an entire year with no funding for the jail. He also stated if you look at the worst case scenario they would have to shut down the jail then the prisoners held here would have to be held elsewhere, which would be a cost to the county not to the Sheriff. He stated it would get very pricey when they charge \$70 per day for a prisoner and an average of 20 prisoners per day. Jails in our area are completely full so going to have to go farther with prisoners. Tom explains to the Commissioners that thru the pandemic they were able to keep the population in the jail down by citing and releasing.
- As the pandemic subsides the warm weather hits, jails opening back up tourist coming into the county, Tom explains that we are going to get more people violating the laws and having to be incarcerated. Tom also explains how important it is to have the jail to house the prisoners. He stated it is a matter of funding the jail, need to come together to figure out what we are going to do, the only thing is to try and get it on the November ballot, get it out to the public and hope they support it. He did state he is unsure what they are going to do this year.
- Terry Matt, County Attorney stated that before talking about how to fund the jail we need to address the mill levy ballot issue, the Commissioners need to take action. She stated that there is a problem with the public safety ballot issue, the Clerk & Recorder is responsible for the printing of the ballots. She stated that the one issued was printed incorrectly, she suggested asking the Clerk & Recorder what she thinks about fixing and addressing this matter. Terry explains the resolution language, she also stated that she has talked with the Secretary of States Attorney's, AG Office and the Clerk & Recorder to try and figure some way of addressing this. Terry stated that she would like to hear what the Clerk & Recorders thoughts are on how to address or a remedy for the Commissioners do they have to take action with a resolution rescinding the mill levy ballot issue because it was incorrectly printed.
- Mandi Bird Kennerly, Clerk & Recorder stated that Crystal Cole her Elections Assistant called the Secretary of State and they informed her that we need to consult with our County Attorney. She also stated that she ran over the timeline even if we were to order the ballots say the 11<sup>th</sup> it would take 2 weeks to get here which would be a holiday on the following Monday we would not get ballots until the 26<sup>th</sup> it took 5 days to do all the ballots, so the timeline would not work for a new ballot. She also stated that her idea is to push the item to the November Ballot. Terry Matt, County Attorney stated that she talked with the Secretary of

State legal counsel as well as the Election Administrator for the Secretary of State yesterday and they thought if the printing request for a new ballot went out today that could probably be done by Tuesday. She also stated that she thinks it is too late per statute 13-19-207 to actually issue a new ballot at this point.

- Terry Matt, County Attorney asked the Commissioner what their thought are on how to address this invalid error, it needs to be addressed. Commissioner DesRosier asked if she was talking about a whole new ballot or a special ballot just for the issue. Terry stated that they had a general discussion on a new ballot, she stated that with her understanding of the statute of a mail ballot election we do not have enough time for a new ballot, statute requires ballots be sent out no later than the 20<sup>th</sup> day before the election. She also stated that what the Commissioners have to look at is what you have on the ballot for ballot issue number 3 the language is wrong and you need to decide what to do. Commissioner Overcast stated that we could not accept the vote, so there is really nothing we can do. Commissioner DesRosier agreed and also stated that the ballots are going out and coming back, we just have to discount because of the language. He also asked if the Clerk & Recorder talked with Secretary of State about this as they share some of the responsibility of getting this right in doing our ballots. Terry stated Commissioner DesRosier raised a good question of the Secretary of State, as far as their responsibility to review. Mandi stated that she was not sure how they do look at it, she did state that we have to get their approval before we can order our ballots. Terry asked if the Glacier County Commissioners Resolution was correct, Mandi replied yes. Terry then stated that the error was not in the Commissioner's office. She then asked if the Secretary of State got the resolution that was passed, Mandi advised her that they do not get a hard copy it is just put into Montana votes system. Terry stated that they do get the counties resolution that they did pass so they did see that it said Public safety and it had all the numbers for public safety. Mandi stated yes, but she is unsure if they really look at everything.
- Terry Matt stated that when she spoke with AG office, Secretary of State, MACo Attorney's they stated that they have never experienced this ever in the history of elections. Commissioner McKay stated before anything is sent to the printer it needs a proof, he ask if they were sent the wrong proofs. Mandi explains the process of entering the information into Montana votes. Mandi figures when the copy and paste was being done and it came to Public Safety it did not copy and pasted the last item copied. Mandi also advised the Commissioners we had short timelines because of Covid-19, getting everything put into the system, main phone line ringing, and shortness of staff. She stated that it basically boils down to human error we would never intentionally make a mistake like that, her staff is devastated as well as herself. Terry asked who the Election Administrator was you or Sara, Mandi stated she herself holds the Title. Mandi stated at the Election training they tell you that your Clerk are your main people, the Clerk &

Recorder is just an advisory, you have to be in it 100% and there is no way I can as the Clerk & Recorder.

- Commissioner Overcast stated that it was just a bad time shorthanded with laying 54 people off we are only human and mistakes do happen. Commissioner McKay stated that he understands that but that is the time you set your priorities and the Election was the priority he does understand the inexperience that exists but that should have been the priority. Mandi stated that she was on the phone with Magda Nelson the day the proofs came in Sara did ask her to proof them but she stated she did not have time, I may have been on the phone with Magda until 5:30 that day. Commissioner McKay stated that even with the audit going on this still should have been a priority. Commissioner Overcast stated it is what it is and we need to figure out how to handle it.
- There was talk back and forth with different ideas of how to handle along with the cost of mailing and special election. Terryl stated that her understanding was the reason they wanted it on the primary ballot was because with the special elections there is not a good turnout. She also stated another issue with this ballot is people are going to ask why the county is asking for 3 mill levy increases just for EMS so this may affect the other two ballot issues so you may have to just do them all over again.
- Commissioner DesRosier stated that one thing we should decide today should be an explanation to the voters, the Election Administrator should put public release immediately out to the voters in the paper with the mistakes that were made. Also need to make sure that it is an insurable mistake. Terryl stated that may be coverable is the cost of the printing may be the insurance would cover that which is around \$3,500.00.
- Commissioner DesRosier stressed that it need to get out to the voters about the mistake that was made it was to fund Public Safety and not EMS and that they will get another chance to vote on it. Also let them know whether or not they vote for it on this ballot it is not going to count.
- Terryl stated it would probably cost the county less money if it was added to the general election ballot. Mandi stated add to Monday's agenda to Rescind Resolution No. 2020-10 and to approve the new Resolution. Tom Seifert stated that they would support either a Special Election or the General Ballot. There was discussion back and forth with Tom Seifert and the Commissioners about the funding issue they are facing now with the jail. Commissioner McKay stated that they need to move to that an item on the November ballot and continue looking for funding. Commissioner DesRosier stated that they need to do that right away and they need to review, Commissioners McKay & Overcast along with the County Attorney were all in agreement.

## **OTHER BUSINESS**

### **J. Public Comment**

LeAnne Kavanagh stated if they get the press release today, they can put that up on their website.

**K. Next Meeting-Monday, May 18, 2020-Cut Bank**

**Commissioner Overcast motions to adjourn @ 11:25a.m.; Commissioner DesRosier seconds the motion; motion carried.**