

Glacier County Commissioners
Monday, July 19, 2021
Regular Meeting (GoToMtg)
Cut Bank, MT

The Glacier County Board of Commissioners met at a regular scheduled meeting at 9:00 a.m. on Monday, July 19, 2021. Commissioners Mary Jo Bremner and John B. Overcast were present; Commissioner Michael DesRosier was absent and Austin Parrent taking minutes.

Present at the meeting: Linda Luther, Public; Neal Bartleson, Public; Carol Larson, Public; LeAnne Kavanagh, Press; Mike Kittson, Human Resources Director; Twila Pyette, Clerk of District Court; Kari Lewis, Glacier County Extension Agent; Addisyn Bengtson, Glacier County 4-H Program; Alec Morrisett, Glacier County 4-H Program; Curtis Harper, Disaster & Emergency Services Deputy

Present via GoToMeeting: (2) Callers; Brenda Schilling; Elaine; Gloria; SB; Sean McGuire; TM

A. Roll Call

Meeting called to order at 9:00 a.m.

B. Approval of Agenda

Commissioner Overcast motions to approve the July 19, 2021 commissioner meeting agenda; Commissioner Bremner seconds the motion; agenda approved.

C. Approval of the Minutes: n/a

NEW BUSINESS:

D. Discussion/Approval: Fire Restrictions – Glacier County Disaster & Emergency Services

A notice from the Glacier County Disaster & Emergency Services Department is read aloud in the meeting:

**** FOR IMMEDIATE RELEASE****

Effective Immediately Wednesday July 15, 2021

In Consultation with County, City and Tribal Fire Management as well as State of Montana entities, Glacier County will be moved to **Stage One Fire Restrictions** and will remain in effect until further notice. The County remains under high fire danger conditions due to extended hot temperatures and a general lack of moisture. The warm weather, coupled with the lack of rainfall and low relative humidity, necessitate Stage One Fire Restrictions until further notice.

Stage One Restrictions:

- Open burning is prohibited.

- Campfires are allowed ONLY in a developed recreation site or improved site where developed campfire rings are provided.
- Smoking is permitted ONLY within an enclosed vehicle, inside a building, or in an area where at least three feet in diameter is cleared of all flammable materials.
- Campers are ONLY allowed to cook using a device that is solely fueled by liquid petroleum or LPG fuels and can be turned on and off.
- All Fireworks are prohibited. All exploding targets (available for sale to recreational shooters) are also considered a pyrotechnic product and are also prohibited.
- Persons using charcoal briquettes are allowed ONLY on private property in a “backyard” barbeque located in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the device.
- Burning refuse in barrels is also prohibited.

Glacier County DES is in regular contact with all county, city, tribal and regional fire managers and plan to review and reassess the fire conditions weekly to determine when appropriate to ease restrictions.

Commissioner Overcast motions to adopt the Disaster and Emergency Services stage one fire restrictions for Glacier County; Commissioner Bremner seconds the motion; motion carried.

E. Discussion/Approval: District Court Clerk vacancy – Glacier County Commissioners and Human Resources

The previous Clerk of District Court retired on June 30, 2021 recommending Twila Pyette, Deputy Clerk of District Court to be her successor until the next election general election is held. The discussion around this item had to do with a potential hiring process to nominate the best candidate to fill the Clerk of District Court vacancy.

Human Resources Director Mike Kittson recommends that an application process is done similar to hiring a new employee. There would be interviews and then ratings of the applicants, followed by making the selection. A similar process was done for the vacant county attorney’s position. This process is also recommended by Montana Association of Counties (M.A.Co.). The Glacier County Commissioners get to decide if they would like to select a qualified candidate from current staff or if they would like to do an application process. Mike recommends that an application process would be the fairest process which is what was done with the vacant county attorney position in the past.

Commissioner Bremner states that the commissioners should make their final decision by resolution. She would like to continue to keep this item on the agenda so that it can be discussed and resolved before it becomes an urgent issue when the 90-day interim period is nearly complete.

Commissioner Overcast recommends that Twila Pyette, Interim Clerk of District Court, should fill the vacant position given her prior experience working in the office until the next

general election can take place. He also does not see the point in going through an application process if Twila will end up filling the role anyways.

Twila Pyette acknowledges that the commissioners get to decide who to appoint to fill the vacant position. She invites the commissioners to come up to District Court and meet with her on a one-by-one basis to see the work that is involved with running the office so that they can get a better understanding of the responsibilities that the office entails. She has been working in the office for nearly 29 years. She would be able to train a new hire who could then run in the next general election for Clerk of District Court.

Public Comment:

Linda Luther, Public, states that she has been in contact with the Department of Justice of the State of Montana telling them about this situation. Montana Code Annotated (M.C.A.) 7-4-2206 (Vacancies – Appointment of Interim Officer) does not say anything about appointing anyone. It says that the position will be filled with a temporary appointment until the next election. So, if M.A.Co. is suggesting that you do these applications and appoint someone, I would like to know what Montana law that is.

Commissioner Bremner states that she has read M.C.A. 7-4-2206 and when there is not Montana law, according to the constitution there is federal law, then there is state law, then there is local law. We are within the guidelines of M.C.A. if we create a local law to fulfil a precedent that Glacier County follows. We do have the power to ask for applications if we would like to because there is no precedent set in the state law for that. Thank you for your public comment.

Linda Luther comments that during the interview for the county attorney vacancy no one discussed anything. I was on an interview committee for the school when I taught and we would have candidates come in and after interviews the committee would make a decision to appoint one applicant.

Commissioner Bremner thanks Linda for her public comment and states that this process with the county attorney vacancy was done before her time in office. With Commissioner DesRosier absent today, he is the only one that would have prior knowledge to be able to discuss what occurred during that time. As the Glacier County commissioners, they will act upon this matter as they see fit. Whether it be by appointment or application, this is the discussion phase and the final decision is going to be made by the commissioners.

Linda Luther adds that she would just like the person who is picked to be qualified for the position. Commissioner Bremner agrees and states that this is what she would like as well.

Commissioner Bremner comments that it was unprecedented when 9th Judicial District Court Judge Robert Olson came in and spoke for Twila Pyette and the District Court Office. It was nice that he did, however, it was an inappropriate action on his part. I've allowed people to come in and speak so we're allowing all avenues for discussion.

Elaine Mitchell, Public, states that she is surprised that Commissioner Bremner does not think that the judge has a right to compliment the work that is necessary for his job to function well.

Commissioner Bremner states that M.C.A. states that he should not take a political stance in the proceedings of the commission.

Elaine Mitchell adds that Commissioner Bremner just stated that she is receiving pressure from the Democratic Party and that in doing so she is taking a political stance herself.

Commissioner Bremner comments that Janine R. Scott ran as a Democrat on the Democratic ballot. If we are going to talk about precedence, let's say the president is going to appoint someone. He appoints from a party that the vacancy was in. I appreciate your thought and Judge Olson can come in and defend himself if he wishes but it was unprecedented for that to happen. I appreciate everything that Twila Pyette has done but I am just keeping all options open.

There was additional discussion on following Montana state law and how it applies in filling this particular vacant position.

F. Discussion/Approval: Marias Fair County Contribution – Kari Lewis, Glacier County Extension Agent

Kari Lewis, Glacier County Extension Agent, introduces Addison Bengtson, 4-H Ambassador, and Alec Morrisett, 4-H Member, as they are presenting about 4-H and the Marias Fair.

Addisyn Bengtson, 4-H Ambassador, states:

“Some of you may know me, but like Keri said, my name is Addisyn Bengtson. I am the vice president of the Longview 4-H Club, and I am also a 4-H ambassador for Glacier County. 4-H has really allowed me to do a lot of things. I've learned a lot of new life skills. I've met a lot of new people through [activities] in Glacier County, and the fair, and different camps and different activities that we have all done together. I really believe that Montana 4-H really is setting the youth up for Montana's agricultural needs in the future and being in 4-H will also decide what their career path is. It helps make a lot of decisions and you are given the opportunity to try all these new activities and decide what you like and what you don't like. I've been in 4-H for seven years and throughout those seven years I have done a lot of different projects but [for] my projects this year I have a steer for market beef. I have a cow and calf for beef braiding. I'm in vet science, I'm in cake decorating, and I'm also in the team leadership project. And all of those have taught me different things about agricultural needs, animal needs, and leadership. Earlier this year I did a cupcake fundraiser for Fred Greco with his medical needs. I had a few 4-H'ers help me and it was a valentine's day cupcake thing, so you had the option of buying different cupcakes and then between me and different 4-Hers, and a lot of help from my mom, and Kari [Lewis], we baked around 1,200 cupcakes and then decorated them all and delivered them all. All of the proceeds from that went to Fred Greco and his family.”

Kari Lewis comments that the cupcakes looked very professional and they were able to raise over \$2,200.00.

Commissioner Overcast asks how many 4-H clubs exist. Kari Lewis responds that there are three clubs with eighty members across all three clubs that are within the Glacier County 4-H Program. Those are open to kids anywhere within Glacier County. Then of course Montana State University (M.S.U.) Extension also has a presence through the Blackfeet Extension Program as well and they have 4-H programs all across the reservation as well.

There was additional discussion on extending Glacier County's 4-H Programs to the Blackfeet Reservation since the Glacier County Extension is based out of Cut Bank and not all kids have the necessary transportation to participate.

Kari explained that anybody that is interested can have a charter created for them by the Glacier County Extension Office, the only requirements are that it has a minimum of five members from two different families and then they can start those clubs. Our members can go to the Blackfeet Fair and the Blackfeet members can come to the Marias Fair. They can choose whichever fair they want to participate in. Any workshops that we do we share that with Blackfeet, Toole, Pondera, Liberty, Teton, and Cascade County as well.

Kari and the commissioners have a discussion on what 4-H and the Glacier County MSU Extension office provides to the community. Kari also invited the commissioners down to the fair to experience what is all involved during the fair.

LeAnne Kavanagh, Press asked if there was a payment made to the Marias Fair? Commissioner Bremner & Overcast state 'Yes, and it was \$2,500.00.'

G. Discussion/Approval: Browning Lumber – Neil Bartleson

Neil Bartleson, Owner of Browning Lumber explains to the commissioners that he would like to make a proposal to either rent or buy some of the space at the New Browning Satellite Office. He was working with Harry Barnes the previous owner before Glacier County purchased it. He is always in search of dry & secure space. Commissioner Bremner states that they will need to research this and possibly draw up a contract if needed. She stated that she will get back to Neil within the month to let him know what they will do. LeAnne Kavanagh, Press mentions that if it was to be listed as surplus on the county side Neil could possibly purchase. No decisions were made.

CLOSED SESSION:

H. Litigation Meeting at the Glacier County Attorney's Office

** This item was a closed session at the Glacier County Attorney's Office. The minutes were sealed and given to the Glacier County Attorney to file. **

OTHER BUSINESS:

I. Public Comment

LeAnne Kavanagh, Press asks if the closed session is to discuss the DesRosier vs Gottlob lawsuit. Commissioner Bremner states "Yes, that's the only lawsuit we have left." LeAnne also asks if the Commissioners Special Meeting in Helena with the Montana Department of

Revenue and Department of Administration is still on. Commissioner Bremner confirmed that it is. It will be held in the Mitchell Building in the conference room. LeAnne asks if there are any answers to her questions, she asked on July 2nd and 15th on the audit? Commissioner Bremner states that she will check with Chancy, but they haven't been putting this off they've just been really busy. She states that she will get them answered soon. LeAnne asked if there was an agenda for the meeting in Helena. Commissioner Bremner explains that it is just a meeting to discuss the corrective action plan and responses that were submitted on the audit. LeAnne also asks if the Compensation Board Meeting has been scheduled. Commissioner Bremner explains that it hasn't been scheduled yet. There is discussion that it's an important component into setting the budget. Commissioner Bremner explains that it's not Chancy's job to get the budget doc's out, but he is the one working on it. Commissioner Bremner had initially wanted to get the Compensation Board Meeting on the Thursday agenda, but it's not looking like that will happen that soon.

J. Next Meeting – Thursday, July 22, 2021 – Cut Bank

The commissioner's adjourned at 12:30 p.m.