



PUBLIC MEETING

July 2, 2019
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Tuesday, July 2, 2019, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Jim McCormick called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Roger Baltz, Eric Bryson, Paulette DeHart, Leo Dutton, Nancy Everson, Jake Ganieany, Dan Karlin, Charles Lane, Kellie McBride, Tyler Manning, Audrey McCue, Drenda Niemann, Art Pembroke, Jason Sexton, Kyle Sturgill-Simon, Tyrel Suzor-Hoy, Kevin Wright, Audra Zacherl, and Nadine McCarty, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Public Meeting Minutes for May 28; June 4, 6, 11, 13, 20, 2019. (Nadine McCarty)

Roger Baltz reported on consent action item 2 a and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Ordinance 2019-1 Approving a Ballot Question on the Issue of Whether to Allow Nonpartisan Elections. Second Reading. (Roger Baltz)

Roger Baltz, Chief Administrative Officer, presented the second reading of the ordinance to approve a ballot question on the issue of whether to allow nonpartisan elections. If the second reading is adopted the effective date of the ordinance would be 30 days after the second reading adoption. Mr. Baltz noted the first reading and adoption of the ordinance occurred on June 18, 2019.

Commissioner Good Geise stated all counties are divided into three districts to ensure there is representation in all parts of the county and gave an overview of the current process in the three districts when a position is vacated. Commissioner Good Geise noted that even though commissioners are required to live in discrete districts, it is the county at large that votes for the candidates. Commissioner Good Geise explained how the process would work if the elections were nonpartisan and noted the County officials do not act in a partisan fashion. She added under a nonpartisan model all candidates would appear on each party's ballot of the primary election with the top two candidates

advancing to the general election. Commissioner Good Geise noted if the voters approve nonpartisan elections it will take six years to fully implement and is the reason for piggybacking on the Helena and East Helena ballots in the fall with the taxpayers paying less than if the question was asked by itself.

Paulette DeHart, Treasurer, Clerk and Recorder, stated because the municipal elections are coming up and the plan was to piggyback, the ballot language would be needed in early August.

Mr. Baltz stated should this be adopted, the cost estimate is about \$45,000.

PUBLIC COMMENT –

Tyrel Seizor-Hoy, stated it is important to have open and transparent local government and is in complete support of having nonpartisan voting for elected officials.

Eric Bryson, Executive Director of Montana Association of Counties (MACo), gave an overview of the process starting in 1972 when the delegates that came for the Constitutional Convention talked about an opportunity to restructure local government operations with the provision that every ten years the local constituents can decide if they will reevaluate the form of government that local government operates under. In 2019 the legislature provided a mechanism where the Commissioners can ask the voters of Lewis and Clark County to change the elections to nonpartisan without first adopting an alternative form of local government. Mr. Bryson noted from MACo's perspective when voter review initiatives are looked at and the county and voters decided to initiate the voter review, convene the panel, spend 18 months to 2 years evaluating the different forms of local government, the most often conclusion was the recommendation to change the elections to nonpartisan basis. As that was done the step that appeared to be forgotten was to adopt an alternative form of government and then change the elections to nonpartisan. The 2019 legislation provides an opportunity to fix those changes that have occurred across the state from 1972 until now. This process allows the voters to weigh in on how they want to construct local elections without first adopting an alternative form of government.

Leo Dutton, Sheriff/Coroner, stated he is in support of having a nonpartisan ballot.

Commissioner Good Geise read an email from Katrina Chaney, Superintendent of Schools that supports a nonpartisan ballot.

A motion was made by Commissioner Good Geise to approve Ordinance 2019-1 making note this is the second reading of the Ordinance and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Bid Award. Colorado Gulch Lower Road Rehabilitation Project. (Audra Zacherl)

Audra Zacherl, Public Works Assistant Director, presented the bid award for the Colorado Gulch Lower Road Rehabilitation Project. On June 25, 2019 two bids were received and opened. The project generally consists of a major surface rehabilitation to the lower segment of Colorado Gulch Road. Road resurfacing with new pit run subbase crushed aggregate base course and hot mix asphalt pavement will generally match the existing roadway. Funding for the project is from the Colorado Gulch Rural Improvement District (RID) fund. After a review of the bids by the selection committee, staff recommends awarding the contract to the low bidder, MJD Contracting, LLC of Clancy, Montana for \$162,221.65.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Bid Award. Trap Club Flood Mitigation Project. (Tabled 6-27-19) (Dan Karlin)

Dan Karlin, County Engineer, presented the bid award for the Trap Club Flood Mitigation Project that was tabled on June 27, 2019. On June 13, 2019 bids were opened. The project consists of installation

of 12 reinforced concrete box culverts, diversion turnout into the trap club pit with head gates and ditch excavations. Supply for the box culverts is being held under a separate contract.

After review of the three bids by the selection committee, staff recommends awarding the bid to Bullock Contracting, LLC of Boulder, Montana for \$1,441,152.30. Combined with the cost of the pre-cast materials of \$73,481.49 and possible delivery incentive of \$10,000 the total project cost is \$2,154,633.79. The amount is \$456,210.31 over what is currently available for construction. There is an agreement with Bullock on a deductive change order to reduce the project an additional \$210,464.50. The recommendation is contingent upon the execution of said change order and upon receiving approval of a cost overrun from FEMA Region 8.

Commissioner McCormick asked about the timeline and Mr. Karlin stated about 1 to 2 weeks from time of submission to authorize the expansion of the budget.

Jake Ganue, Montana Disaster and Emergency Services, stated DES received the official memorandum on July 1, 2019 and it will be reviewed then sent to FIMA Region 8 for review.

Mr. Karlin added as recommended they want to award this contingent on receiving the funds. The intent is to hold off on Commission signature until the award letter is received.

No public comment was received.

A motion was made by Commissioner Hunthausen to award the bid to Bullock Contracting, LLC contingent upon Change Order No. 1 and receipt of the award letter. The motion was seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Memorandum of Agreement Between Lewis and Clark County and Montana Department of Transportation. (Dan Karlin)

Dan Karlin, County Engineer, presented the Memorandum of Agreement (MOA) with the Montana Department of Transportation (MDT) for the Lake Helena Drive and Lewis Street Intersection Project. In October of 2018, MDT added Lake Helena Drive from Old Hwy 12 to Canyon Ferry Road to the Urban System for potential future funding. Once a roadway is added to the system, and still a Lewis and Clark County jurisdictional road, MDT has oversight authority. The reason for this is infrastructure installed by a local jurisdiction may conflict with future MDT projects. In this case, the County is installing storm drain infrastructure that would be incorporated into a future upgrade of Lake Helena Drive.

The purpose of the MOA is for the local jurisdiction, Lewis and Clark County, to formally agree to maintain the installed infrastructure. Lake Helena Drive is a County road with heavy traffic and the County's intention has been to maintain the facility and slated improvements. Staff recommends approval of the MOA with the Montana Department of Transportation.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Task Order 20-07-4-51-103-0 Between Lewis and Clark Public Health and the Montana Department of Public Health and Human Services. (Drenda Niemann)

Drenda Niemann, Public Health Officer, presented the task order from the Montana Department of Public Health and Human Services in the amount of \$7,500 to administer Ryan White Part B HIV Medical Case Management Program. The task order begins July 1, 2019 through June 30, 2020. Ms. Niemann explained that last year they lost the Medicaid waiver program and the team of social workers and nurses associated with that program. They partnered with PureView Health Center to provide services to individuals diagnosed with HIV. In the past fiscal year 18 individuals were served.

Staff recommends approval of the task order with the Montana Department of Public Health and Human Services.

Ms. Niemann noted this is a volunteer program, although it is offered it is not always accepted. Prior to Medicaid expansion the services were much more utilized, but now with Medicare expansion and medication assistance available the numbers have dropped.

Ms. Niemann gave an overview of HIV and noted it is now considered a manageable chronic disease.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County and Information Technology Core. (Art Pembroke)

Art Pembroke, Information Technology & Services Director, presented the annual contract with Information Technology Core for project specific services to the network management group assisting with network configuration services for the fiscal year in an amount not to exceed \$12,000. The contract begins upon approval by both parties through June 30, 2020. This was approved in the FY20 budget as submitted to the Joint Commissions. Staff recommends approval of the agreement with Information Technology Core.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Contract Between Lewis and Clark County and CompuNet, Inc. (Art Pembroke)

Art Pembroke, Information Technology & Services Director, presented the contract with CompuNet, Inc. in an amount not to exceed \$12,000. The contract will provide 24/7 emergency telecommunications engineering support to the City of Helena and Lewis and Clark County network staff. CompuNet provides emergency support for the telephone systems, and for the key switches and routers in the network. The contract will also provide limited consulting services in case of any areas of operation that the Information Technology Services staff is unfamiliar with. The funds have been included in the FY20 budget. Staff recommends approval of the contract with CompuNet, Inc.

Mr. Pembroke added in the case of disaster recovery CompuNet will be asked to help restore and for support.

No public comment was received.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Board Appointment (Audrey McCue)

Audrey McCue, Elections Supervisor, presented the candidate Bernhard Hall as a trustee for the Birdseye Fire District. On June 13, 2019, the Elections Office was notified that Larry Koehler, a Trustee for the Birdseye Fire District with a term ending in May of 2021 was leaving the District vacating his position. On June 25, 2019, the Elections Office received a Petition for Appointment to the Birdseye Fire District from Bernhard Hall and the office has confirmed that he is a registered voter of the Birdseye Fire District. Pursuant to 7-3-2106, MCA, an appointment to fill a vacancy occurring during the term of office of a trustee must be made by the county governing board and the appointee shall hold office until the next trustee election. The request is to appoint Bernhard Hall as a trustee for the Birdseye Fire District until the next regular election, May 5, 2020. At that election the remaining year of the original term will be up for election.

PUBLIC COMMENT –

Ms. McCue read an email from Linda Grady, Trustee of Birdseye Fire District.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Lewis and Clark County Criminal Justice Services Department Pretrial Services Program Standard Operating Procedures (Kellie McBride)

Kellie McBride, Criminal Justice Services Director, presented the Pretrial Services Program Standard Operating Procedures. The manual will always be a work in progress as the criminal justice system changes. All department employees are expected to become familiar with the policies and procedures and encouraged to offer revision suggestions. Staff recommends approval of the Pretrial Services Program Manual of Standard Operating Procedures.

Ms. McBride noted they worked closely with the County Human Resources Director. It is stated in the manual if there is confusion between the Standard Operating Procedures and the County's HR procedures, the HR procedures take precedence.

Ms. McBride explained the purpose of the Standard Operating Procedures and that the Standard Operating Agreement helps direct the staff to what they can do and what is outside their responsibility.

Ms. McBride addressed weapons and noted it was decided that the pretrial officers will not carry weapons, and will not utilize arrest authority. There is a possibility the officers could become Police Officers Standards and Training (POST) certified through a NAPSA set of courses.

PUBLIC COMMENT -

Leo Dutton, Sheriff, stated on July 9, 2019 the POST allowed a change to the requirements for the pretrial services training. Once the curriculum is developed, they will offer the training so the pretrial officers can be POST certified.

Ms. McBride noted the pretrial services program has an 85% success rate based on appearances for court dates and not re-offending.

A motion to Approve was made by Commissioner Hunthausen and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Public Hearing. Lewis and Clark County's Budget for Fiscal Year 2020. (Nancy Everson)

Nancy Everson, Chief Financial Officer, presented the 2020 preliminary budget and reviewed the revenues and expenses. The budget is reflective of four goals: develop and maintain a culture of customer service; engage in effective long range planning; improve communication between departments, community partners and the public; efficiently and effectively manage public resources. Ms. Everson noted the net decrease in reserves of about \$23.5 million with a total revenue decrease of 2.4% which includes the sale of bonds for the Detention Center remodel project. The expenditures are at \$101,540,000 with the biggest category being operations and maintenance and followed by personnel. The total expenditures increase of 4.3% with long range planning built in.

Ms. Everson went over the budget fund types to include Special Revenue Funds; District Court Revenue Funds; General Fund; Capital Funds; Enterprise Funds; and Internal Service Funds.

The FY20 budget for personnel includes a 2.4% matrix adjustment with steps included and a \$300 increase health insurance premium as well as proposed new positions. The operations and maintenance retains all the current services and programs. The capital Improvement fund is mostly

for equipment replacements, courthouse renovation, the possible purchase of a building near the courthouse, additional storage and possibly in the future a morgue for the Coroner. The Rural Improvement District (RID) projects are neighborhood projects. The Federal Grant Capital Projects are entirely the FEMA flood mitigation projects. Reserves are about 28% of the overall budget expenditures and is kept a little high due to the unknown of the Payment in Lieu of Taxes (PILT) payment. Revenue growth is estimated at 3.52%. Ms. Everson estimates growth in the county at \$551,000 and \$1.7 million for the 31 detention officers. The first debt payment on the bonds sold for the Detention Center is due FY20 for \$635,000. The decrease in reserves is a culmination of the long range planning and open space projects.

PUBLIC COMMENT -

Ms. Everson noted one written comment was received on July 2, 2019 and Commissioner McCormick stated the public comment from Ms. Morrison is now part of the public record.

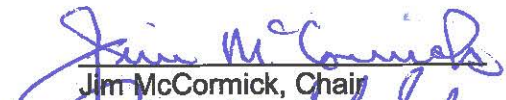
A motion was made by Commissioner Good Geise to accept the budget as presented and to make the decision to adopt the budget on July 9, 2019. The motion was seconded by Commissioner Hunthausen. The motion Passed on a 3-0 vote.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.


Adjourn

There being no further business, the meeting adjourned at 11:10 am.

**LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS**


Jim McCormick, Chair


Susan Good Geise, Vice Chair


Andy Hunthausen, Member

ATTEST


Paulette DeHart, Clerk of the Board