

s/ Cele Pohle, Presiding Officer
s/ Donna Young, Member
s/ Ralph E. Mannix, Jr., Member

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Planner Brian Bender presented his monthly report. Also in attendance was Lewis Smith.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

June 22, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

The Salary Commission Board met with the Board of Commissioners. Those attending were the Commissioners, Clerk and Recorder/Assessor, Diane Grey, Financial Officer, Jennifer Spring, Justice of the Peace, JoAnne Nelson, District Court Clerk, Joan Burke, County Attorney Lewis Smith and community members, Jim Thompson and Jan Bender. Jennifer Spring presented two proposals, the first proposal was a flat rate of \$900.00 for the Clerk and Recorder's base and 2% for other eligible positions not tied to the Clerk and Recorder's base and the second proposal was a 1.6 per cent cola raise for all eligible positions. Mr. Thompson asked about health insurance premiums and Commissioner Pohle explained that there was no increase this year because of the plan the County opted to take. This option requires that all Powell County employees under the county health plan attend one Two Medicine Health Fair meeting per year. Commissioner Mannix commented that Powell County is a conservative county financially and that we are also very stable financially. He also mentioned that the Secure Rural Schools (SRS) funding is still a bright spot in our revenues, but that Powell County is pretty dependent on federal funding and grants. Commissioner Young stated that all the department heads are very successful at staying within their budgets. She also stated that Powell County operates from year to year and is willing to work with what we have. Financial Officer Spring noted that the Payment in Lieu of Taxes

(PILT) monies take a hit when the SRS funding goes up. PILT monies benefit more of the county budgets and law enforcement whereas the SRS monies go strictly to the road department. Commissioner Pohle mentioned that the new county planner is seeking more economical grants to help out the county and city. Mr. Thompson asked if the new windows and boilers may help with some of the expenses. Commissioner Young stated that some of the expenses are strictly maintenance. Mr. Smith stated that a lot of the maintenance done was by the trustee and a very minimal cost to the county, mostly supplies. He also mentioned that the county attorney's salary is tied into the District Court Judges' salaries which help the counties because of the reimbursement from the State. There was some discussion on the receptionist's position. If this position is not filled, there is the potential of a \$26,000.00 savings. Jan Bender made the motion to recommend the \$900.00 proposal to be added to the Clerk and Recorder's base. Joan Burke seconded the motion and the motion carried. Commissioner Mannix asked Mrs. Bender what they do for their employees and she gave some information regarding what they as a private sector are able to do. Everyone was in agreement that the County does a great job with all the benefits and such that they offer to the employees. The meeting adjourned at 10:00 o'clock.

The Board walked to the Clark Street Bridge. Debris and soil had built up under the bridge. The Montana State Prison Fire Crew and District One Road Crew were addressing the problem. The road crew was hauling rock to protect the streets.

The Board met with the Department Heads and Elected Officials to discuss the receptionist position and the phone system. Those attending were Pat McGlen, Qwest Global Account Manager, Commissioners Pohle, Young and Mannix, Financial Officer Jennifer Spring, Justice of the Peace JoAnne Nelson, Victims Advocate Diana Solle, Maintenance Supervisor Fred Kuchinski, County Agent Jodi Pauley, County Planner Brian Bender, County Treasurer Lisa Smith, County Attorney Lewis Smith, Clerk of Court Joan Burke, Department of Revenue Cindy Fraser and Pat Hewitt, Council on Aging Director Dodie Rennfield and Clerk and Recorder/Assessor Diane Grey. Mr. McGlen presented options for a new phone system. Charlie Olinger from Falcon Communications did not attend as planned.

Financial Officer Jennifer Spring presented the monthly financial report.

Commissioner Mannix moved and Commissioner Young seconded a motion to contract with Western Montana Mental Health for July 1, 2010 through June 30, 2011. This includes the \$2,500.00 to subsidize the Mental Health Professional Crisis Response Team. The motion carried.

The Board signed the annual contract with Western Montana Mental Health. A copy will be on file in the Clerk and Recorder's office after signatures from the Western Montana Mental Health Board have been attained.

Chris Laity, Great West Engineering, met with the Board about the diversion canal/road damage at the Clark Street Bridge. The Board sent a letter of request to the Natural Resources Conservation Service for assistance from flood damage.

Commissioner Young moved to appoint Shane Olsen to a two year term on the Board of Adjustments. The motion was seconded by Commissioner Pohle and the motion carried.

The Board received a letter of resignation from Allen Walter from the Park Commission Board and his resignation was accepted.

Sheri Wilson, Literacy Program Director, updated the Board on the program progress. She has requested \$1200.00 for the 2011-12 fiscal year budget. The Board will consider this request.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

June 27, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

The Board met with Gary Yetter of Falcon Communications to discuss courthouse phone needs. Clerk and Recorder Diane Grey presented correspondence.

Rody Holman and Cheryl Rosling of Western States Insurance met with the Board to review the county coverage for property and liability insurance.

Commissioner Mannix signed a Right of Way Occupancy Permit Application #25-11-ROW.

The Board agreed to sign an Agreement with the Montana Department of Administration for occupancy of Department of Revenue in the Courthouse. A copy is on file in the office of the Clerk and Recorder.

The Board of Commissioners discussed the receptionist position in the courthouse. Commissioner Young moved to not fill the position. Commissioner Pohle seconded the motion. The

vote was called for. Commissioner Pohle and Young voted in favor of the motion. Commissioner Mannix voted against the motion. The motion carried.

The Board of Commissioners received a copy of a letter of intent for a Crisis Intervention and Jail Diversion Program to participate in the Fiscal Year 2012 County Matching Program from County Attorney Lewis Smith. The request is for \$25,000 from the state program. A copy is on file in the Clerk and Recorder's office.

Commissioner Pohle read Resolution #17 to levy 2 mills for emergency purposes, due to the flooding. Commissioner Mannix moved to adopt Resolution 2011-17. The motion was seconded by Commissioner Young. The motion carried.

POWELL COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION 2011-17

WHEREAS, property in Powell County has been severely damaged by flood waters in the last month, and

WHEREAS, the Powell County Commissioners have declared that Powell County is a disaster area under the law, and

WHEREAS, Powell County must levy an emergency tax not exceeding two mills of the County's taxable valuation in accordance with Section 20-3-405 MCA in order to receive federal disaster monies,

NOW, THEREFORE, IT IS HEREBY RESOLVED that an emergency two mill levy be assessed against the total taxable valuation of all the property in the County, and that the monies from said levy to for the County emergency disaster fund budgets on the basis of taxable valuations for the fiscal year 2011/2012.

Dated this 27th day of June, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer

s/ Donna Young, Member

s/ Ralph E. Mannix, Jr., Member

ATTEST:

s/ Diane S. Grey, Clerk

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

June 28, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

The drawing of salary warrants for Officers, Deputies, Foremen, Clerks and Appointees from various accounts for the month of June, 2011, were approved and a record of such is on file in the office of the Clerk and Recorder.

Fred Kuchinski, Building Maintenance, met with the Board concerning summer projects. A Montana State Prison Trustee will be assisting the maintenance department.

Disaster and Emergency Service (DES) Coordinator, Bernard Barton met with the Board to discuss flood cleanup on Cottonwood Creek. He will present information as soon as possible.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

June 29, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

Commissioner Mannix moved to ratify and execute the Powell County Sheriff's Employees Association Contract for July 1, 2011 through June 30, 2013. The motion was seconded by

Commissioner Young. The motion carried. Also present were County Attorney Lewis Smith, Association Representative Hans Schlueter and Logan Schlueter.

The Board mailed a letter to Director Joe Maurier concerning wolf and grizzly bear management. A copy is on file in the Clerk and Recorder's office.

June 28, 2011

Director Joe Maurier
Department of Fish, Wildlife & Parks
1420 E 6th Ave
P O Box 200701
Helena, MT 59620-0701

Dear Director Maurier:

The management of wolves and the grizzly bear population that are in conflict with humans and livestock has been very closely followed in our county.

Senate Bills 108, 143 and 348 that were successfully introduced by Senator Barrett and passed by the 2011 legislative session should provide direction for the Department.

We look forward to the opportunity to engage in the dialogue with Fish, Wildlife and Parks on the wolf and grizzly management.

Sincerely,

POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer
s/ Donna Young, Member
s/ Ralph E. Mannix, Jr., Member

cc: Senator Debby Barrett
18580 MT Highway 234
Dillon, MT 59725-8031

Commissioner Mannix moved to adopt Resolution 2011-18 to increase the allowance for Veteran's burial to \$350 and raising the headstone to \$100. The motion was seconded by Commissioner Young. The motion carried.

POWELL COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION
2011-18

WHEREAS, under 10-2-501 MCA, a county is required to pay an allowance to defer the expenses of interment and shipping and raising a headstone for a veteran resident in the county at time of death; and,

WHEREAS, during 2011, legislation was enacted increasing the maximum allowance from \$250 to \$500 for interment and from \$70 to \$100 for shipping and raising a headstone; and,

WHEREAS, the legislation allows a county to determine the amount of the allowance based on its fiscal position; and,

NOW, THEREFORE BE IT RESOLVED, the allowance available to veterans resident in the county at the time of death will be increased to \$350 for interment and \$100 for shipping and raising a headstone.

Done this 29th day of June, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer

s/ Donna Young, Member

s/ Ralph E. Mannix, Jr., Member

ATTEST:

s/ Diane S. Grey, Clerk

A county safety meeting was held for county employee representation.

Commissioner Mannix moved to enter into Contract #11-331-74087-0 between Montana State Department of Public Health and Human Services Addictive & Mental Disorders Division and Powell County. The motion was seconded by Commissioner Young. The motion carried.

The Board had a working lunch with the road crew foremen and Financial Officer Jennifer Spring to discuss projects and budgeting.

Financial Officer Jennifer Spring met with the Board to present Resolutions 2011-19, 2011-20 and 2011-21. Commissioner Mannix moved to adopt Resolution 2011-19, Resolution for Amendment of Fiscal Year 2010-2011 Budget. Commissioner Young seconded the motion. The motion carried.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

RESOLUTION FOR AMENDMENT
ON FISCAL YEAR 2010-2011
BUDGET
RESOLUTION 2011-19

WHEREAS, the Board of County Commissioners of Powell County, Montana, have determined that the budget for fiscal year 2010-2011 requires amendment; and

WHEREAS, Section 7-6-4006(3)© MCA permits the adjustment of appropriations according to procedures authorized by the governing body for any fund for federal, state, local or private grants and shared revenue accepted and approved by the governing body; and;

WHEREAS, the Alcohol Rehabilitation Fund (2800) has received a greater than budgeted amount of Alcohol Rehabilitation Apportionment monies (shared revenue) from the State of Montana, and, therefore, needs to be amended to allow additional revenues of \$5,000 and additional expenditures of \$5,000;

WHEREAS, Section 7-6-403(1) MCA permits the transfer of appropriations between line items in the same fund if authorized to do so in the final budget resolution (see Powell County Resolution 2011-12); and;

WHEREAS, the Justice Court personal services line items in the General Fund (1000) need to be increased as follows due to the sick and vacation leave payout of a retiring employee:

<u>Account Number</u>	<u>Description</u>	<u>Increase</u>
1000.000.000.410340.110	Gen JP Salaries & Wages	\$6,500
1000.000.000.410340.141	Gen JP PERS	\$ 600
1000.000.000.410340.144	Gen JP Social Security	\$ 360
1000.000.000.410340.145	Gen JP Medicare	\$ 84
1000.000.000.410340.146	Gen JP Unemployment	\$ 14
1000.000.000.410340.147	Gen JP Work Comp	\$ 120

The following Facilities Administration personal service line items in the General Fund (1000) will be decreased to cover the increased appropriations in the Justice Court:

<u>Account Number</u>	<u>Description</u>	<u>Decrease</u>
1000.000.000.411200.110	Gen Fac Admin Salaries & Wages	-\$6,500
1000.000.000.410340.141	Gen Fac Admin PERS	-\$ 600
1000.000.000.410340.144	Gen Fac Admin Social Security	-\$ 360
1000.000.000.410340.145	Gen Fac Admin Medicare	-\$ 84
1000.000.000.410340.146	Gen Fac Admin Unemployment	-\$ 14
1000.000.000.410340.147	Gen Fac Admin Work Comp	-\$ 120

WHEREAS, the foregoing amendments to the 2010-2011 fiscal year budget for Powell County are authorized by Sections 7-6-4006(3)© and 7-6-4031(1) MCA.

NOW THEREFORE BE IT RESOLVED BY THIS Board of County Commissioners that the 2010-2011 fiscal year budget for Powell County Montana shall be, and is, hereby amended as follows:

1. The Alcohol Rehabilitation Fund (2800) revenue and expenditure budgets are each increased by \$5,000.

2. Total appropriations of \$7,678 are transferred from the Facilities Administration personal services line items in the General Fund to the Justice Court personal services line items in the General Fund.

Done this 29th day of June, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer

s/ Ralph E. Mannix, Jr., Member

s/ Donna Young, Member

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Commissioner Young moved to adopt Resolution #2011-20, Adopting Categories and Expenditure Order for Resource Categories for all Governmental and Proprietary Funds (GASB 54). Commissioner Mannix seconded the motion. The motion carried.

POWELL COUNTY, MONTANA
RESOLUTION 2011- 20

ADOPTING RESOURCE CATEGORIES AND EXPENDITURE
ORDER FOR RESOURCE CATEGORIES
FOR ALL GOVERNMENTAL AND PROPRIETARY FUNDS (GASB 54)

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued its Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, requiring, among other things, all state and local governmental entities to adopt a policy regarding spending priorities of fund balance in governmental and proprietary funds; and

WHEREAS, Powell County receives inflows of revenue and other financing sources for use in governmental and proprietary funds; and

WHEREAS, governmental and proprietary funds will expend those resources; and

WHEREAS, it is the intent of the Board of County Commissioners to adopt this resolution to affirm that the fund balance resources of the County's governmental and proprietary funds will be categorized according to Generally Accepted Accounting Principles (GAAP) for state and local governments, to identify the expenditure order of resource categories for all governmental and proprietary funds and to designate the County Finance Officer and/or the Board of County Commissioners, individually and/or collectively, as having authority to express assignments in the County's governmental and proprietary funds.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Powell County that the fund balance resources of the County's governmental and proprietary funds will be categorized as follows:

RESOURCE CATEGORIES

- Non-spendable: Resources not in spendable form (ex: inventory) or those legally required to be maintained intact (ex: principal portion of permanent trust funds)
- Restricted: Constraint is externally imposed by third party (grantor, contributor, etc.), State Constitution or by enabling legislation by the State Legislature
- Committed: Constraint is internally imposed by local government by resolution
- Assigned: Constraint is internally expressed intent by government body or authorized official through budget approval process;
- Unassigned: no constraints
-

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Powell County that the expenditure order of resource categories for all governmental and proprietary funds, when restricted, committed, assigned and unassigned are available, be as follows:

EXPENDITURE ORDER FOR RESOURCE CATEGORIES

- First: Restricted
- Second: Committed
- Third: Assigned
- Fourth: Unassigned

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Powell County designates the County Finance Officer and/or the Board of County Commissioners, individually and/or collectively, as having authority to express assignments in the County's governmental funds.

Done this 29th day of June, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer

s/ Ralph E. Mannix, Jr., Member

s/ Donna Young, Member

ATTEST:

s/ Diane S. Grey, Clerk and Recorder

Commissioner Young moved to adopt Resolution 2011-21, Committing Fund Balance Resources for Special Revenue Funds (GASB 54). Commissioner Mannix seconded the motion. The motion carried.

POWELL COUNTY, MONTANA
RESOLUTION 2011-21

COMMITTING FUND BALANCE RESOURCES
FOR SPECIAL REVENUE FUNDS (GASB 54)

WHEREAS, the Governmental Accounting Standards Board (GASB) has issued its Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, requiring, among other things, all state and local governmental entities to adopt a policy (Resolution) committing fund balance resources for special revenue funds; and

WHEREAS, Powell County receives inflows of property tax, State Entitlement share, investment earnings, grant funding and other revenues including but not limited to certain lease revenue and fee and permit revenue for expenditures on the specific purpose (function) of certain Special Revenue Funds; and

WHEREAS, it is the intent of the Board of County Commissioners to adopt this resolution to restrict and commit the fund balance resources of special revenue funds in accordance with Generally Accepted Accounting Principles (GAAP) and GASB 54, and intends to continue to allocate and report the activity of the specific purpose in Special Revenue Funds, as follows:

FUND NAME	FUND #	DESCRIPTION	FUNCTION	MCA CITE
Road	2110	Public Works	430000	7-14-2501
Bridge	2130	Public Works	430000	7-14-2502
Weed	2140	Public Works	430000	7-22-2142
Predatory Animal	2150	Public Health	440000	81-7-303
County Fair	2160	Culture and Recreation	460000	7-21-3410
Airport	2170	Public Works	430000	67-10-402
		General Government	-	
Comp Insurance	2190	Miscellaneous	510000	2-9-212
Parks	2210	Culture and Recreation	460000	7-16-2102
				7-6-2512 (non-
Hospital	2235	Public Health	440000	enterprise)
County Planning	2250	General Government	410000	7-6-403
Emergency Disaster				established by grant or
Programs	2260	Public Safety	420000	10-3-405
Public Health	2270	Public Health	440000	50-2-111
Senior Citizens	2280	Social and Economic Services/ Public Health	450000/ 440000	7-16-101
Extension	2290	Social and Economic Services	450000	7-21-3203
Law Enforcement	2300	Public Safety	420000	7-6-2513
Rodent Control	2330	Rodent Control	440000	7-22-2222
Museum	2360	Culture and Recreation	460000	7-6-2205
Retirement -- Employer Contribution	2370	General Government	520000	19-3-204
Permissive Medical Levy	2372	General Government	520000	2-9-212
Search & Rescue	2382	Public Safety	420000	7-32-235
Drug Forfeiture	2390	Public Safety	420000	44-12-206(2)
Records Preservation	2393	General Government	410000	7-4-2635
		Housing and Community Development		
CDBG	2397	Development	470000	Grant

Deer Lodge Rural Disposal District	2510	Public Works	430000	7-12 (Part 41 ,42) Required Financial Assurance
Landfill Trust Accounts	2511	Public Works	430000	
Powell Rural Disposal District	2520	Public Works	430000	7-12 (Part 41 ,42)
Alcohol Rehabilitation	2800	Public Health	440000	53-24-206
DUI Prevention	2811	Public Safety	420000	61-2-108
Gas Tax	2820	Public Works	430000	15-70-101
Junk Vehicle	2830	Public Works	430000	75-10-534
Noxious Weed	2840	Public Works	430000	80-7-814
911 Emergency	2850	Public Safety	420000	10-4-311&12
County Land Information	2859	General Government	410000	7-6-2230
Land Use Planning	2860	General Government	410000	90-1-108
PILT	2900	General Government	520000	Shared Revenue
Forest Reserve, Title III	2902	General Government	410000	Shared Revenue
Victim & Witness Advocate Program	2917	General Government	410000	Grant
DARE	2951	Public Safety	420000	Grant
Women, Infants and Children Grant	2971	Public Health	440000	Grant
Maternal Child Health Grant	2973	Public Health	440000	Grant
Immunization Action Program Grant	2976	Public Health	440000	Grant

NOW, THEREFORE, BE IT RESOLVED by the Board of Powell County Commissioners that it commits allocated general tax, State Entitlement, grant revenue, and interest earnings for expenditure on the specific function of the Special Revenue funds listed above; and

BE IT FURTHER RESOLVED that the specific amount formally committed will be determined by the Finance Officer, in conjunction with the Board of County Commissioners by means of the following: (1) review fund balance as of June 30th each year (2) determine necessary cash/reserve to be maintained in the fund, and (3) determine if excess fund balance will be retained in the fund as a commitment for the specific purpose or transferred to the General Fund.

Done this 29th day of June, 2011.

BOARD OF POWELL COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer

s/ Ralph E. Mannix, Jr., Member

s Donna Young, Member

ATTEST:

s/ Diane S. Grey
Clerk and Recorder

County Attorney Lewis Smith presented Resolution 2011-22. Commissioner Mannix moved to adopt this Resolution to establish the Weed Board by Resolution with attached by-laws. Commissioner Young seconded the motion. The motion carried.

RESOLUTION NO. 2011-22

PROVIDING FOR AMENDMENT OF BYLAWS OF THE
POWELL COUNTY WEED DISTRICT BOARD

WHEREAS, the Legislature of the State of Montana enacted Sections 7-1-201 through 7-1-203, MCA, requiring the BOARD OF COUNTY COMMISSIONERS to establish certain administrative boards, districts and commissions by adoption of resolutions; and

WHEREAS, 7-22-103, MCA authorizes the appointment of a District Weed Board by the Powell County Board of County Commissioners; and

WHEREAS, the Powell County Board of County Commissioners have previously appointed a Weed Board; and

WHEREAS, the BOARD OF COUNTY COMMISSIONERS has determined it is appropriate and desirable to provide the Powell County Weed Board with clarification as to the organization, membership, terms, authority, rules and responsibilities of the Powell County Weed District Board, setting forth the same pursuant to 7-1-201 through 7-1-203, MCA, and 7-22-2101 through 7-22-2153, MCA; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Attached Bylaws are hereby adopted as the Bylaws to govern the Powell County Weed Board from this date forward.

DATED this 29th day of June, 2011.

POWELL COUNTY BOARD OF COUNTY COMMISSIONERS

s/ CELE POHLE, PRESIDING OFFICER
BOARD OF COMMISSIONERS
POWELL COUNTY

s/ RALPH A. MANNIX
BOARD OF COMMISSOPMRTD
POWELL COUNTY

s/ DONNA YOUNG
BOARD OF COMMISSIONERS
POWELL COUNTY

ATTEST:

s/ Diane S. Grey
Clerk and Recorder

POWELL COUNTY WEED BOARD BYLAWS
(Adopted June 2011)

ARTICLE I – NAME

Section 1. Name

The official name of the organization shall be “The Powell County Weed Board.”

ARTICLE II – OFFICERS

Section 2. Nominations and Election of Officers

Nomination of elective officers shall be made at the annual election meeting which shall be held at the first regular meeting of each calendar year. The election shall follow immediately thereafter. Officers shall be nominated and elected from the appointed member only. A nominee receiving a majority vote of those present at the election meeting shall be declared elected.

Section 3. Terms of Officers

The elective officers shall take office at the first regular meeting in January and shall serve for a term of two (2) years. Elective officers are eligible to hold consecutive terms.

Section 4. Vacancies in Offices

Vacancies in elective offices shall be filled immediately by regular election procedure for the unexpired part of the term.

Section 5. Duties of Officers

(a) Chairperson

The Chairperson shall preside at all meetings and public hearings of the Weed Board and shall call special meetings when they deem the necessity of doing or are required to do so. The Chairperson shall certify the expenditure of Weed Board funds and shall sign the minutes of Weed Board meetings and all official papers and plans involving the authority of the Weed Board which are transmitted to the Board of County Commissioners. The Chairperson shall have the privilege of discussing all matters before the Weed Board and voting thereon. The Chairperson shall have all the duties normally conferred by parliamentary usage on such officers and shall perform such other duties as may be ordered by the Weed Board except as otherwise provided in these by-laws in other Weed Board resolutions, or in county resolutions.

The Chairperson shall give notice of all regular and special meetings to Weed Board members, shall prepare the agenda of regular and special meetings, shall serve proper and legal notice of all public hearings, and shall draft and sign the routine correspondence of the Weed Board. The Chairperson shall maintain a file of all studies, plans, reports, recommendations and official records of the Weed Board and perform such other duties as the Weed Board may determine.

(b) Vice-Chairperson

The Vice-Chairperson shall serve as Chairperson when situations arise that precludes the Chairperson from performing their duties. The Vice-Chairperson shall have all of the authorities, powers and responsibilities of the chairperson when the chairperson is unavailable to serve.

Section 6. Duties of the Secretary

The Secretary shall keep the minutes of regular, recessed and special meetings of the Weed Board; such minutes shall be approved by the Weed Board. The Secretary shall also keep the minutes of Weed Board Committee meetings when requested to do so.

Section 7. Order of Business – Regular Meetings

- (a) Call to order by Chairperson
- (b) Reading/Approval of minutes of preceding meeting
- (c) Petitions, communications and public comment from audience/Visitors recognition
- (d) Staff/Contractor Reports
- (e) VMA Reports
- (f) Reports from Weed Board members and committees
- (g) Regular business
- (h) Written communications
- (i) Adjourn

Section 8. Public Hearing Procedures

- (a) The Chairperson and Weed Board Supervisor shall review the application orally. Assigned committee chairman will add any related or background information. Weed Board members are permitted to ask any relevant questions on the application. Public hearing opened. Any petitions and data shall be presented at this time.
- (b) Proponents or opponents in the audience will be given opportunity to speak in favor or against the application. Information submitted should be factual, relevant and not merely duplication of a previous presentation. A reasonable time shall be allowed. Each person speaking shall give name, address, and nature of interest in hearing.
- (c) Other interested parties will be allowed to comment briefly or make inquiries. Weed Board staff will present technical analysis, review weed considerations and basic policy, cite possible alternatives and make recommendations, if any.
- (d) Brief rebuttal for proponents and opponents will be heard separately and consecutively, with presentation limited to their spokesman.
- (e) Public hearing closed. Weed Board members may voice other significant considerations and/or pose any relevant questions.
- (f) Motion for disposition

Section 9. Quorum

A majority of the members in the Weed Board shall constitute a quorum for the transaction of business and the taking of official action.

Section 10. Attendance

The failure to attend three (3) unexcused consecutive regular board meetings shall be construed as a resignation from the Weed Board. The Chairperson shall notify the Powell County Board of County Commissioners of the vacancy.

Section 11. Vacancies

A vacancy occurring on the Weed Board shall be filled by the Powell County Commissioners within thirty (3) days after notification by the Chairperson.

Section 12. Motions

Motions shall be restated by the Chairperson before a vote is taken. The name of the members making and seconding a motion shall be recorded in the minutes of the meeting. After a motion is seconded the Chairperson shall offer the members an opportunity to discuss the motion.

Section 13. Voting

On some occasions, when a matter has been presented at a board meeting or board hearing where a quorum was not present, voting may take place via a conference telephone call, or individual telephone call vote.

Voting procedures used in a telephone call will be the same as those at a regular Weed Board meeting.

Any action taken by a majority of those present, when those present constitute a quorum, at any regular, recessed or special meeting of the Weed Board shall be deemed and taken as the action of the board. However, no action of the Weed Board is official unless authorized by a majority of members at a regular or duly called special meeting. All matters requiring a public hearing before the Weed Board and all matters referred to the Weed Board by the Powell County commissioners shall be by quorum vote and the vote of each member shall be recorded in the minutes of the meeting.

Section 14. Reports

On all matters considered by the Weed Board, the report and recommendations, if any, of the Weed Board staff/Contractor or appropriate committees shall be presented to the board and shall be recorded in the minutes of the meeting.

Section 15. Parliamentary Procedure

Parliamentary procedure in Weed Board meetings shall be governed by Roberts Rule of Order, Revised, unless it is specifically provided otherwise in these by-laws, in other Weed Board resolutions or in county resolutions.

Section 16. Public Nature of Meetings and Records

All regular, recessed and special meetings, hearings, records and accounts shall be open to the public, except as provided by law.

ARTICLE III – MEETINGS

Section 1. Regular Meetings: Time and Place

A regular monthly meeting shall be held on the third Tuesday of each month at 7:00 p.m. at the county weed board office unless otherwise scheduled by the chairperson of the Weed Board. The date, time or place of the regular meetings may be amended by an affirmative vote of the majority of the Weed Board. Members may participate in a meeting by telephone or video-conferencing.

Section 2. Recessed Meetings

Any regular meeting may be recessed to a definite time and place by a majority vote of the Weed Board members present at the meeting.

Section 3. Special Meetings

Special meetings of the Weed Board may be called by the Chairperson or by two (2) members upon written request to the Chairperson. Special meetings shall be noticed by a telephone call to all members at least two (2) days, forty-eight (48) hours in advance of the meeting.

ARTICLE IV – COMMITTEES

Section 1. Establishment of Committees

The Weed Board may establish such standing or special committees as it deems advisable and assign each committee specific duties or functions. No standing or special committee shall have the power to commit the Weed Board to endorsement of any plan or program without its submission to and approval by the body of the board.

Section 2. Appointment and Terms of Committee Members

The chairperson of the Weed Board shall appoint the members of each standing or special committee and shall name the chairman of each committee. The members of each standing committee shall be appointed at the first regular meeting in January for a term of one year. Special committees may be appointed at such times and for such purposes and terms at the Weed Board approves.

Section 3. Committee Vacancies

Vacancies on committees shall be filled immediately by the Chairperson of the Weed Board for the unexpired portion of the term.

Section 4. Meeting of Committees

All committees shall meet at the call of the committee chairman, provided that the Chairperson of the Weed Board shall also have the authority to call a special meeting of any committee at any time and upon such notice as the chairperson may specify.

Section 5. Quorum and Voting

A majority of the members appointed shall constitute a quorum of all committees. The affirmative vote of a majority of the committee membership shall be required for the adoption of a matter before the committee.

Section 6. Powers and Duties of Board

The Weed District Board is hereby assigned the responsibility for the administration of the Weed District as provided by law and shall possess and perform all duties set forth in Title 7, Chapter 22, part 21, MCA, Section 7-22-2109. In addition to any powers or duties established in the resolution creating a District Weed Board, the board may:

- a. Employ a program coordinator and other employees as necessary and provide for their compensation within the guidelines of the Powell County Personnel Policy and approval by the Board of Powell County Commissioners.
- b. Purchase materials and equipment and pay other operational costs that it determines necessary for implementing an effective noxious weed management program. The costs must be paid from the noxious weed fund.
- c. Enter into cost share agreements for noxious weed management.
- d. Enter into agreements with the Department of Agriculture for the control and eradication of any new exotic plant species not previously established in the state.
- e. Enter into agreements with commercial applicators, as defined in 80-9-102, MCA, for the control of noxious weeds.

The Board shall:

- a. Administer the District's noxious weed management program;
- b. Establish management criteria for noxious weeds on all lands within the district;
- c. Make all reasonable efforts to develop and implement a noxious weed management program covering all land within the district;
- d. Have a Noxious Weed Management Program that is reviewed and approved by the Board every two (2) years;
- e. Implement management standards for noxious weeds as designated by the Montana Department of Agriculture;
- f. Perform other activities authorized by law relating to weed management.

The County Weed District Board will provide for public comment on the County Weed Management Plan.

ARTICLE V – AMENDMENTS

Except as otherwise provided herein, these Bylaws may be amended by Resolution at any regular or special meeting by the affirmative quorum majority vote of the members of the Powell County Board of County Commissioners, independently or upon recommendation of the Powell County Weed Board provided that the proposed amendments have been submitted in writing at a previous meeting.

APPROVED BY THE BOARD OF COUNTY COMMISSISONERS THIS 29TH DAY OF JUNE, 2011.

POWELL COUNTY BOARD OF COUNTY COMMISSIONERS

s/ Cele Pohle, Presiding Officer

ATTEST:

s/ Ralph E. Mannix, Jr., Member

s/ Diane S. Grey, Clerk and Recorder

s/ Donna Young, Member

POWELL COUNTY WEED BOARD

s/ Jim Stone, Chairperson

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:



CELE POHLE, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk

Deer Lodge, Montana

July 5, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

Clerk and Recorder, Diane Grey presented correspondence.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of June 2011, and a record of such is on file in the office of the Clerk and Recorder.

Justice of the Peace, Joanne Nelson, met with the Board with the 2012 budget request. The Board will consider the Justice's request.

Ed Livingston met with the Board to request a signature on a Plat for a boundary relocation within the City of Deer Lodge. It was determined the signature was not necessary.

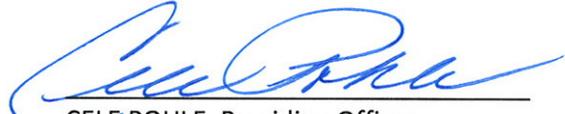
Commissioner Mannix signed Modification #4 to the Department of Justice Natural Resource Damage Program Contract 600212, for the Outdoor Education Center. A copy is on file in the Clerk and Recorder's Office.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of June, 2011, and a record of such is on file in the office of the Clerk and Recorder.

Justice of the Peace, JoAnne Nelson introduced Bob Rase who will be serving as Judge Pro-Temp.

On motion the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

July 6, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

Presiding Officer Cele Pohle read Resolution #23, a Declaration of Support for Trucking and Transportation of Large Loads in Powell County. Commissioner Mannix moved to pass Resolution #23. The motion was seconded by Commissioner Young and the motion carried. Also present was PJ Wright of the Silver State Post.

Powell County Resolution #23

Declaration of Support for Trucking and Transportation of Large Loads in Powell County

WHEREAS, the Commissioners of Powell County continue to support the creation and retention of jobs in our county; and

WHEREAS, the safe and legal, large-scale transportation of goods has traditionally provided an avenue of economic viability in Powell County, and will continue to generate employment for our citizens, and

WHEREAS, the Commissioners of Powell County have traditionally instructed and guided our transportation industry in safe and efficient practices throughout the county; and

WHEREAS, the Montana Department of Transportation has the authority and expertise to permit the transportation of oversized loads in Powell County.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY DECLARED that Powell County supports the safe trucking of oversize loads for all purposes in our county in accordance with applicable rules and guidelines published by the State of Montana.

DATED this 6th day of July, j2011.

BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA

s/ Cele Pohle
District 1 Commissioner

s/ Ralph E. Mannix, Jr.
District 2 Commissioner
s/ Donna Young
District 3 Commissioner

Attest:

s/ Diane S. Grey, Clerk

Commissioner Pohle reported on the Deer Lodge Rural Disposal District meeting held July 5 at 5:00 P.M.

Public Health Nurse Nancy Nelson presented her resignation effective July 30, 2011. Commissioner Young moved to accept the resignation. Commissioner Mannix seconded the motion and the motion carried. The Board mailed a letter to Mrs. Nelson's home, accepting the resignation.

County Attorney Lewis Smith presented the application for grant funds for mental health diversion from the jail or the Montana State Hospital. The amount requested is \$21,000.00. The County match is \$35,000.00. Commissioner Young moved to approve the submission of the grant application. The motion was seconded by Commissioner Mannix and the motion carried. A copy is on file in the Clerk and Recorder's office.

Wayne Slaght, Ovando, made a presentation for a possible cattle per capita fee petition for predatory animal control including wolves. He intends to pursue the petition signature gathering.

Chris Laity with Great West Engineering called and informed the Commissioners that the Center Street Bridge is closed due to safety reasons and an exposed water main.

Jennifer Spring, Financial Officer, and Diane Grey, Clerk and Recorder reviewed the personnel manual and a discussion of some of the clerical errors was held. Another meeting will be scheduled for the week of the 18th.

Commissioner Donna Young joined Chris Laity, Great West Engineering, Glen Green, Natural Resource Conservation Service (NRCS) to view damages from the flooding.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

July 7, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

County Sanitarian, Chad Lanes, met with the Board to discuss the Junk Vehicle program. He is working with Bruce Meyer, new Department of Environmental Quality Junk Vehicle coordinator, to meet the requirements of the grant for Fiscal Year 2011.

Commissioner Mannix attended a meeting of the Public Safety Committee.

The Board attended a meeting with the City of Deer Lodge to discuss the flood cleanup. Commissioner Young recorded notes of the meeting. Notes of the meeting are on file in the Clerk and Recorder's office.

Bernard Barton, Office of Emergency Management updated the Board on the Federal Emergency Management Association (FEMA) information.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

July 11, 2011

The Board of Commissioners for Powell County, Montana, met in special session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

The Board held budget preparation meetings with Financial Officer Jennifer Spring.

The Board met with the State of Montana Department of Transportation Wayne Nrem, Jeff Ebert and Joe Walsh concerning the modified agreement for the Main Street Bridge. Great West Engineer Chris Laity was also in attendance. The Board will review the previous agreement and modification for consideration.

The Board of Commissioners received the signed copies of the Collective Bargaining Agreement between Powell County and the Powell County Sheriff's Employees. A copy is on file in the Clerk and Recorder's office.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

July 12, 2011

The Board of Commissioners for Powell County, Montana, met in special session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young. Commissioner Mannix is attending a Watershed Restoration Coalition meeting in the morning.

The Commissioners held preliminary budget preparation with Financial Officer Jennifer Spring.

The Natural Resource Conservation Service staff, Glen Green, Mark Zuber, John Blaine, Ed Berg and Pat Lauridson presented information on a possible eligible flood related projects from that agency for funding.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:



CELE POHLE, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk

Deer Lodge, Montana

July 13, 2011

The Board of Commissioners for Powell County, Montana, met in special session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

The Board held a budget work session with Financial Officer Jennifer Spring.

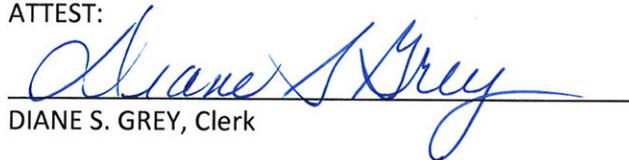
On motion the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:



CELE POHLE, Presiding Officer

ATTEST:



DIANE S. GREY, Clerk

Deer Lodge, Montana

July 18, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

Cindy Frazier, Blue Ribbon Pavilion manager, met with the Board with an update on the building maintenance.

The Board received the first quarter 2011 Establishment Inspection Reports from the Department of Public Health and Human Services. A copy is on file in the Clerk and Recorder's office.

Sheriff Howard reported that the road material berms placed on Deer Lodge streets for flood control are a hazard and needs to be removed as soon as possible. Commissioner Young moved to

release the road material acquired on June 7th, 8th and 9th for flood control to the Environmental Protection Agency (EPA) to use at the Roundhouse site in their effort to clean up Bunker C. The motion was seconded by Commissioner Mannix and the motion carried. Planner Brian Bender will work with the EPA on this effort and will ask the EPA to coordinate with the City maintenance to locate city utilities.

The Board received the following letter from the County Attorney regarding the Phosphate Plant.

July 8, 2011

Powell County Commissioners
409 Missouri Avenue
Deer Lodge, MT 59722

Re: Phosphate Plant Site Ownership

Dear Commissioners:

I am writing this letter to express my concerns with regard to the directive I have received from you to negotiate the purchase of the Phosphate Plant Site location from Bernie Schillo.

The reason for this letter is to express my concern with regard to the consequences of ownership in light of the recently received letter from the Environmental Protection Agency/Coast Guard regarding the bill for the clean-up of the Bunker C site at the Roundhouse Project. Essentially due to the fact that the County has taken ownership of that site, which it had been reluctant to do for several years prior to approximately 2005 when the site was acquired for the reason that without ownership, we could not obtain grants. We finally took ownership of the property, so that it could be rehabilitated and developed. Consequently, we are now looking at bills in excess of \$1,000,000.00 for the EPA/OPA's having come into the project and taken it over to remove an "emergency" situation involving alleged leakage of the Bunker C material into Tin Cup Joe Creek. While we intend to strongly dispute the levying of those costs upon the County, I cannot guarantee you that with regard to the Phosphate Plant that other known or unknown issues may or may not arise causing additional liability to the County, due to ownership of a superfund or environmental clean-up site.

I wish to get my position on the record with regard to this request and my concerns with regard to the consequences of ownership of these types of sites.

Sincerely,

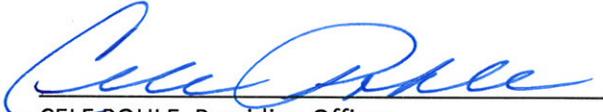
s/ Lewis K. Smith
Powell County Attorney

LKS:sl

Cc: Brian Bender, Powell County Planner
Chris Laity, Great West Engineering

On motion the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

July 19, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

Chris Laity, Great West Engineer, reported on the post flood coordination for permitting and cleanup.

The Board met with Terri Hocking, Butte Silver Box Health Department, Linda Best, Anaconda Deer Lodge Health Department and Nancy Nelson, Powell County Public Health Nurse, to discuss the Health Department Programs in lieu of the resignation of Public Health Nurse of Nancy Nelson. The Women, Infant and Children (WIC) program clients will be serviced from the Anaconda office. Family Planning clients will be served through the Butte office of Public Health until October 1, then transferred to the Anaconda office of Public Health. Service in Deer Lodge will be returned as soon as trained and qualified staff is in place. Jan Bender of Valley Foods also attended.

The Board met with Public Health Nurse Nancy Nelson to review office closing procedures. Mrs. Nelson will inventory immunizations and other medications at the Public Health office and report to the Commissioners.

The Board authorized the Public Health Nurse to attend the Summer Institute for Public Health Emergency Preparedness in Missoula July 26th and 27th to fulfill the educational requirements for the Disaster.

Sheriff Howard met with the Board of Commissioners to discuss the budget for law enforcement.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk

Deer Lodge, Montana

July 20, 2011

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer, Cele Pohle and Members, Donna Young and Ralph E. Mannix, Jr.

The Board met with Dodie Rennfield, Council on Aging Director, to discuss her budget.

The Board met with Disaster and Emergency Services director, Bernard Barton and County Attorney, Lewis Smith concerning flood recovery.

The Board met with Planner Brian Bender for a monthly report.

On motion, the meeting was adjourned at 4:00 o'clock P.M.

APPROVED:


CELE POHLE, Presiding Officer

ATTEST:


DIANE S. GREY, Clerk