

Deer Lodge, Montana

October 2, 2023

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Daniel G. Sager and Members Ruth E. Koehler and Ralph E. Mannix, Jr.

The Commissioners attended MACO Conference in Butte, September 25-27, 2023.

Jody Walker, Clerk and Recorder, presented the correspondence.

The drawing of salary warrants #24072 - #24094 for Officers, Deputies, Foremen, Clerks and Appointees from various accounts for the month of September 2023, were approved and a record of such is on file in the office of the Clerk and Recorder.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

Dan Sager, Presiding Officer

ATTEST:

Jody Walker, Clerk & Recorder

Deer Lodge, Montana

October 3, 2023

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Daniel G. Sager and Members Ruth E. Koehler and Ralph E. Mannix, Jr.

Amanda Cooley gave a presentation on the possibilities of hiring a Natural Resource Director on staff. Questions were raised about Trout Unlimited and projects in Powell County and conifer mitigation projects. Questions on how this position will help agriculture producers. The main concern is for the person hired in this position to work with ag producers on issues they have already worked on previously with other agencies. In attendance was Don Beck, Amice Everson, Melanie Beck, Luke Ulatowski, Erin Graveley, Scott Perkins. Heather Quigley, Ann O'Toole, Bo Walker, and Amanda Cooley.

Commissioner Mannix moved and Commissioner Koehler seconded the motion to proceed with the hiring process to hire a full time Natural Resource Director. Motion Carried.

Resolution 2023-24 to set Elected Officials Salary was read and discussed. Commissioner Koehler moved and Commissioner Mannix seconded the motion to adopt Resolution 2023-24.

**BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA
ELECTED OFFICIALS SALARIES
RESOLUTION 2023 – 24**

WHEREAS, Section 7-4-2504, Montana Code Annotated (MCA) requires certain elected officials' salaries to be adopted by Resolution, and

WHEREAS, the Powell County Compensation Board has made recommendations to the Board of County Commissioners as required by law, and

NOW THEREFORE, IT IS HEREBY RESOLVED, that salaries for the Powell County Elected Officials be established as follows for fiscal year 2023-2024.

For the Powell County Clerk and Recorder, Treasurer, Clerk of the District Court, and Justice of the Peace the salary shall be \$56,860.00. The Powell County Superintendent of Schools salary shall be considered half time per Resolution 2021-25 and receive a salary of \$28,430.00. The County Attorney's salary shall be considered full time and receive a salary of \$110,424.43 as required by Section 7-4-2706 (2).

The Powell County Superintendent of Schools shall also receive an additional \$400.00, as required by Section 7-4-2503(2)(a). The Clerk and Recorder, Clerk of District Court, Justice of the Peace, and Treasurer shall also receive \$2,000.00 additional compensation allowed by statute.

The County Commissioners of Powell County and the City Council of the City of Deer Lodge have examined the workload statistics for the Justice of the Peace/City Judge and have determined that a fair division of the workload in the office is 85% for County and 15% for the City matters. Referenced in Resolution 2010-4 on file in the Clerk and Recorder's office.

The Powell County Sheriff's salary shall be \$71,938.00 per year, computed by using the base elected official's salary of \$56,860.00, and adding an additional compensation of \$2,000.00, plus a longevity payment of one percent (1%) per year of service, but years of service during any year in which the salary is set at the same level as the salary of the prior fiscal year may not be included in any calculation of longevity increases. Effective October 1, 2021, SB 238 allows in addition to the above-mentioned salary, the county sheriff may receive any additional salary as determined by the board of county commissioners. The agreed upon amount is an additional \$1,000.00 which will increase the base salary to \$72,938.00. The undersheriff's salary shall be 98 percent (98%) of the base salary of the Sheriff (elected officials' salary) plus longevity payment of one percent (1%) per year of service, but years of service during any year in which the salary is set at the same level as the salary of the prior fiscal year may not be included in any calculation of longevity increases. The captain's salary shall be 90 percent (90%) of the base salary of the Sheriff plus longevity payment of one percent (1%) per year of service, but years of service during any year in which the salary is set at the same level as the salary of the prior fiscal year may not be included in any calculation of longevity increases. The Sheriff's Deputies' salaries shall be 85 percent (85%) at initial employment, 86 percent (86%) at two-year anniversary, and 87 percent (87%) at four-year anniversary of the base salary of the Sheriff, plus a longevity payment of one percent (1%) per year of service, but years of service during any year in which the salary is set at the same level as the salary of the prior fiscal year may not be included in any calculation of longevity increases as prescribed by Section 7-4-2510 MCA.

The Powell County Coroner shall receive a base salary of \$21,606.80 per year.

The County Commissioners shall receive a base salary of \$42,645.00 plus an additional \$2,000.00 as prescribed by Section 7-4-2107, MCA.

These salaries are set in accordance with Montana Law, and shall be effective as of July 1, 2023.

Dated this 3rd day of October, 2023.

BOARD OF POWELL COUNTY COMMISSIONERS
s/ RALPH E. MANNIX, JR., Member
s/ DANIEL G. SAGER, Member
s/ RUTH E. KOEHLER

ATTEST:

s/ JODY WALKER, Clerk and Recorder

There was discussion on HB 587. The Department of Labor says counties can assess 77.89 mills, the State says we need to assess 95 mills. In attendance was Kerry Glisson and Heather Quigley. Commissioner Mannix moved and Commissioner Koehler seconded the motion to accept Resolution 2023-25 fixing the mill levy for state equalization. Motion carried.

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

RESOLUTION 2023 – 25

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

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

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

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

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

DATED this 3rd day of October, 2023

BOARD OF POWELL COUNTY COMMISSIONERS
s/ RALPH E. MANNIX, JR., Member
s/ DANIEL G. SAGER, Member
s/ RUTH E. KOEHLER

ATTEST:

s/ JODY WALKER, Clerk and Recorder

Austin Micu and Gavin Roselles were in to discuss their budget. Scott Perkins was in attendance.

The County budget has been adopted, the funds requested have been allocated to the sheriff's budget. They will move the funds to the appropriate line items.

Amanda Cooley was in to give updates on historical preservation and/or renovation of the third floor of the courthouse. If the courthouse was on the historical record we would not have to be ADA accessible or have a sprinkler system. Many reviews are triggered by using any federal dollars. More investigation is needed. Amanda will try to have someone come explain the details.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

Dan Sager, Presiding Officer

ATTEST:

Jody Walker, Clerk & Recorder

Deer Lodge, Montana

October 4, 2023

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Daniel G. Sager and Members Ruth E. Koehler and Ralph E. Mannix, Jr.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of September 2023, warrant #70564 - #70639 were issued and a record of such is on file in the office of the Clerk and Recorder.

Planner Cooley was in to give updates on several projects.

Commissioner Sager attended a Beaverhead-Deer Lodge working group meeting.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

Dan Sager, Presiding Officer

ATTEST:

Jody Walker, Clerk & Recorder

Deer Lodge, Montana

October 16, 2023

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Daniel G. Sager and Members Ruth E. Koehler and Ralph E. Mannix, Jr.

Kelley Knight, Deputy Clerk and Recorder, presented the correspondence.

Commissioner Sager attended the Airport Board meeting and City Planning Board meeting.

Sheriff Roselles was in with the Inmate Excess Medical Insurance update for Nov. 1, 2023-Oct. 31, 2024. The agreement is the same as previous years.

John Micu was in with the collective bargaining agreement between Powell County and The Powell County Sheriff Employees Association for July 1, 2023 – June 30, 2026. Changes are outlined in the document. Commissioner Mannix moved and Commissioner Koehler seconded the motion to accept the agreement with corrections and editing for typos. Motion carried.

Amanda Cooley was in for WWC Engineering proposal. This project is for land use proposal for the Roundhouse redevelopment design. Cost of hiring this firm is covered by Brownfields Grant. Commissioner Mannix moved and Commissioner Koehler seconded the motion to accept. Motion carried.

Rick Duncan was in to discuss the 95 mill verses the 77.9 mill and the school unification.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

Dan Sager, Presiding Officer

ATTEST:

Jody Walker, Clerk & Recorder

Deer Lodge, Montana

October 17, 2023

No quorum. No agenda items. Commissioner Sager was in office, Commissioner Mannix and Commissioner Koehler attended a funeral.

APPROVED:

Dan Sager, Presiding Officer

ATTEST:

Jody Walker, Clerk & Recorder

Deer Lodge, Montana

October 18, 2023

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Daniel G. Sager and Member Ralph E. Mannix, Jr.

Jody Walker, Clerk and Recorder, presented the correspondence.

Claims against the County were examined, approved and ordered paid by the Board of Commissioners for the month of October 2023, warrant #70640 - #70712 were issued and a record of such is on file in the office of the Clerk and Recorder.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

Dan Sager, Presiding Officer

ATTEST:

Jody Walker, Clerk & Recorder

Deer Lodge, Montana

October 23, 2023

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Daniel G. Sager and Members Ruth E. Koehler and Ralph E. Mannix, Jr.

Commissioner Koehler attended the Fair Board meeting on Oct. 19, 2023.

Interview for the Natural Resource Director position. Interview panel was Treasurer Pam Reighard, Clerk & Recorder Jody Walker, Commissioner Dan Sager, Commissioner Rem Mannix, and Commissioner Ruth Koehler. Two of the four interviews were held today.

Buddy Bush stopped in with a complaint about the 70-mph speed limit on Garrison Dump Road.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

Dan Sager, Presiding Officer

ATTEST:

Jody Walker, Clerk & Recorder

Deer Lodge, Montana

October 24, 2023

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Daniel G. Sager and Members Ruth E. Koehler and Ralph E. Mannix, Jr.

Jody Walker, Clerk and Recorder, presented the correspondence.

Resolution 2023-26 to Authorize MACo to Represent the Interests of the County on 95 mill issue was presented. Commissioner Mannix moved and Commissioner Koehler seconded the motion to approve. Motion carried.

**BOARD OF COUNTY COMMISSIONERS
POWELL COUNTY, MONTANA**

RESOLUTION NO. 2023-26

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

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

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT the Powell County Board of Commissioners authorize MACo to take all steps necessary to file and prosecute an original action before the Montana Supreme Court regarding the state-wide mill levy calculation issues and to represent interests of Powell County in that action.

Dated this 24th day of October, 2023.

BOARD OF POWELL COUNTY COMMISSIONERS
s/ DANIEL G. SAGER, Presiding Officer
s/ RUTH E. KOEHLER, Member
s/ RALPH E. MANNIX, JR., Member

ATTEST:
s/ JODY WALKER, Clerk and Recorder

Third interview for the Natural Resource Director position was conducted with the same interview panel; Treasurer Pam Reighard, Clerk & Recorder Jody Walker, Commissioner Dan Sager, Commissioner Rem Mannix, and Commissioner Ruth Koehler.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:
Dan Sager, Presiding Officer

ATTEST:
Jody Walker, Clerk & Recorder

Deer Lodge, Montana

October 25, 2023

The Board of Commissioners for Powell County, Montana, met in regular session at 9:00 o'clock A.M. Present: Presiding Officer Daniel G. Sager and Member Ruth E. Koehler, Ralph E. Mannix, Jr. is available by phone

Zoom call between Milwaukee Roundhouse, Planner Amanda Cooley, Department of Natural Resource & Conservation (DNRC), and Hydrometrics. Rem was on the phone. Hydrometrics, Department of Environmental Quality (DEQ), DNRC, and Great West Engineering were in attendance. DEQ has approved modification levels down from 7-10,000 cubic yards to approximately 4000 cubic yards. Preliminary cost estimates are coming soon. Construction bids are due by November 8, 2023 and work will begin as weather permits with completion by May. Next update will be December 20, 2023 at 10:00 am.

Fourth and final interview for the Natural Resource Director position was conducted with the same interview panel; Treasurer Pam Reighard, Clerk & Recorder Jody Walker, Commissioner Dan Sager, Commissioner Ruth Koehler, and Commissioner Rem Mannix attended by phone.

Interview committee tallied the scores and offered the job to Robert Walker. All of the candidates were thanked for their time and applications.

The drawing of salary warrants #24095 - #24114 for Officers, Deputies, Foremen, Clerks and Appointees from various accounts for the month of October 2023, were approved and a record of such is on file in the office of the Clerk and Recorder.

On motion, the meeting adjourned at 4:00 P.M.

APPROVED:

Dan Sager, Presiding Officer

ATTEST:

Jody Walker, Clerk & Recorder