

December 3, 2019

The Board of County Commissioners met at 9:00 a.m. in regular session in the Commission Office of the Granite County Courthouse with Chairperson Bill Slaughter and Charles Hinkle attending. Commissioner Scott Adler was absent this day. Also attending was Executive Assistant Mike Kahoe. The session convened with the pledge of allegiance.

Road and Bridge Superintendent/Solid Waste Manager Paul Alt met with the Board and gave his report. The report included that he had spoken to a contractor about replacing the planking on the Stony Creek Bridge. He suggested that the county purchase the material and advertise for the work. Commissioner Slaughter moved to advertise and bid the labor for replacing the decking on the Stony Creek Bridge with the county purchasing the material. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried. Maintenance on solid waste transfer sites at Drummond and Philipsburg was discussed with Paul Alt and Treasurer Vicki Harding. Vicki Harding noted that some new wiring had been installed at both sites last week. The Board directed that all questions and comments regarding the transfer sites and scales must be directed to Solid Waste Manager Paul Alt. Paul Alt indicated that he is considering getting snow blowers for both transfer sites to keep the scales free of snow.

Georgetown Lake level was reported at 6,428.51 feet, according to the USGS gage and the dam tender's report. The lake is approximately 11.16 inches below full pool with an estimated 10 cfs over the weir below the power plant. Commissioner Hinkle moved to make no change in the outflow and Commissioner Slaughter seconded the motion. There was no public comment. The motion carried.

The Board discussed potential projects for grant application to the Tri-County RAC (Resource Advisory Committee) for projects which would benefit the national forest. Discussion was held on potential projects. Commissioner Hinkle moved to apply to the RAC for new planking on the Stony Creek Bridge and gravel on the Rock Creek Road as one project. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried. Road and Bridge Superintendent Paul Alt will get an estimate for the project, which will be the grant request amount.

Sheriff Scott Dunkerson met with the Board regarding the lack of vehicles for his department. He reviewed that a sheriff's department vehicle was severely damaged in a recent multi-car accident on Interstate 90. He feels that the damaged vehicle may be a total loss. He noted that a new vehicle has been ordered and is anticipated to be here in March, which is in the budget for this fiscal year. He discussed that he has no backup vehicle at this time. Sheriff Dunkerson indicated that he does not want the damaged truck, even if it can be repaired. Discussion was held on possibly ordering another new vehicle, which also would be delivered in March. Commissioner Hinkle moved to have the sheriff order a new vehicle (Ford F-150 Pursuit Pickup), in addition to the one currently ordered, and cover any deficit in the sheriff's budget at the end of the fiscal year, if that occurs. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried. County Attorney Blaine Bradshaw noted that this is an emergency purchase and it is also being purchased through Sourcewell vendor, with government purchasing cooperative pricing discounts and

such pricing already went through the formal public bidding process. Philipsburg Mayor Daniel Reddish and Scott Sylvester with the *Philipsburg Mail* newspaper attended.

An application for a National Program Identifier (NPI) for Granite County and Granite County Public Health Office was discussed with County Attorney Blaine Bradshaw and Public Health Assistant Jackie Bolster. An application is in process in the name of Granite County (not Granite, County of). The Board agreed to continue with the application process and table a decision today.

The CSKT (Confederated Salish and Kootenai Tribes) Water Compact was discussed by the Board at Commissioner Hinkle's request. Commissioner Hinkle reviewed a letter from the U.S. Secretary of the Interior dated November 18, 2019. He expressed his concern that a must-pass federal budget bill is coming up in December and that U.S. Senator Jon Tester's bill may be added to the budget bill. Commissioner Slaughter stated that there is no interest in on-reservation water and that this is the first time in Montana that off-reservation water has been considered in a compact. Commissioner Slaughter suggested that a request be made through U.S. Senator Steve Daines to separate the on-reservation water and off-reservation water into two separate bills. Discussion was held that there is a Montana Attorney General's opinion that this is legal. Public comment: Catherine Vandemoer said that she just wrote a letter to the Western Ag Reporter in support of The People's Compact and she handed a copy of the letter to all those present. She noted that the state water court will eventually have to approve the final water rights. Commissioner Slaughter note that he has been in touch with Senator Steve Daines' office to obtain support for the People's Compact or to separate the on-reservation water from the off-reservation water. Catherine Vandemoer indicated that Montana is trying to set a precedent and the proposed CSKT Water Compact gives away things that it did not possess in the first place. She reviewed her response to the Secretary of the Interior's letter and she noted that in terms of the off-reservation water rights, there is nothing to bargain. She emphasized her support for the People's Compact, which has been submitted to the Montana congressional delegation. She reviewed that the tribes have no legal authority over off-reservation water rights. She predicts that this will go to the U.S. Supreme Court because of its effect on the western United States. She believes that the Montana Fish and Game is complicit in the CSKT Water Compact for in-stream flow, along with the attorney general and DNRC. She said that Senator Daines and Congressman Gianforte are working on a bill to submit in the near future. She suggested that the Commission review the draft bill and make immediate comments. Jerry Laskody, an irrigator in Lake County affected by the CSKT Water Compact, said that he feels that the state is giving away a property right which will affect every Montanan. He noted that he has done a direct comparison between the People's Compact and the CSKT Water Compact for the congressional delegation and it is on the website; it is about more than off-reservation water. He suggested that the people write to the congressional delegation opposing the CSKT Water Compact and to support the People's Compact. He noted that claims were settled in the Indian Claims Commission in 1966 through a stipulation agreement. He feels that the CSKT Water Compact is all in favor of the tribes. Catherine Vandemoer suggested that people continue with letters to their Congressional representatives and carefully review any correspondence received in return. She reviewed page 62 of the CSKT Compact which makes the state go against the people.

Jerry Laskody, with the Flathead Irrigation Project, noted that the people must support their own water rights because the state and federal officials have abandoned the people of Montana. Jerry Laskody noted that tribes in all western states will try to do the same thing. Elena Gagliano stated that Senator Daines is running for office and he wants votes and the votes on the reservation. She feels that the CSKT Water Compact will affect Georgetown Lake and all of Montana by setting a precedent. She suggested that an advertised meeting be held in the evening to get some publicity on this important subject. Jim Dinsmore noted that the compact is one issue and the other issue is in-stream flow on the Clark Fork River. He noted that at some point there will be a call on the water. Commissioner Slaughter suggested that a letter be drafted by County Attorney Blaine Bradshaw. Jim Dinsmore noted that a list of junior water rights has been requested from the DNRC and it has not been received. He reported that the DNRC and FWP have been invited to the Granite Conservation District meeting next week. He questioned how the legislature can circumvent the law. He indicated that litigation will be the end result. Commissioner Hinkle stated that there is not much time if a federal bill could be submitted this month. Jim Dinsmore discussed co-ownership of water by the tribes. Also, he questioned how the legislature could circumvent the law related to water rights. He has been to the interim committee meetings a couple of times. Catherine Vandemoer stressed that there is a misunderstanding by the federal legislators that off-reservation rights cannot be separated. She noted that one well-written letter to a congressman is worth approximately 3,000 votes. J. B. Hendrix inquired how the constant fighting is going to affect property values. Jerry Laskody noted that there has not been an economic impact analysis completed on the CSKT Compact, which is likely very substantial. Also, he noted that water is the only thing that makes ranches in Montana valuable. County Attorney Blaine Bradshaw and Richard Motta attended.

The agenda item with Maria Stoppler, DEO/DON of the Granite County Hospital District, was postponed at the Board's request.

The Board conducted a public hearing at 1:00 p.m. on proposed amendments to the Granite County Growth Policy, specifically amendments to the Town of Philipsburg section (Appendix E) and the addition of Appendix G – Local government coordination for federal and state lands of the Granite County Growth Policy. The hearing was held in the Commission Office of the courthouse. The public hearing was advertised in the November 14, 21 and 28, 2019 issues of the *Philipsburg Mail* newspaper and on the county's website. Planning Director Linda Bouck reviewed the verbiage changes in the amendments and the section to give the Town of Philipsburg the ability to discuss zoning. She noted that the Town of Philipsburg has adopted the amendments and that it will need to be adopted by the county by resolution. Commissioner Slaughter moved to adopt the amendments to the Granite County Growth Policy (Appendix E) and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried. Linda Bouck noted that Appendix G – Local Government Coordination has been adopted by the Granite County Planning Board. Commissioner Hinkle moved to adopt the amendments to the Granite County Growth Policy, Appendix G – Local Government Coordination. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried.

The Board conducted a public hearing at 1:30 p.m. on Granite County Subdivision Regulations amendments. Proposed amendments include changes to Agricultural Exemption Requirements, revoking the current agricultural exemption that was previously allowed. The hearing was held in the Commission Office of the courthouse. The public hearing was advertised in the November 14, 21 and 28, 2019 issues of the *Philipsburg Mail* newspaper and on the county's website. Planning Director Linda Bouck explained the proposed amendments in detail. Commissioner Hinkle moved to adopt the proposed amendments Granite County Subdivision Regulations including changes to Agricultural Exemption Requirements. Commissioner Slaughter seconded the motion. There was no public comment. The motion carried.

In an administrative action, Commissioner Slaughter moved to preliminarily accept the proposal of Great West Engineering of Helena to update the EAP (Emergency Action Plan) for the Flint Creek Project, up to \$2,500.00, as required by the Federal Energy Regulatory Commission and to pay for it from the DES (Disaster and Emergency Services) Fund. Commissioner Hinkle seconded the motion. The motion carried. The matter will be placed on next week's agenda for a final decision.

Public Comment: None.

Correspondence: None.

Commissioner Hinkle moved to approve the November 26, 2019 Commission minutes as presented and Commissioner Slaughter seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 2:30 p.m.