

**March 17, 2020**

**The Board of County Commissioners met at 9:00 a.m. in regular session in the District Courtroom of the Granite County Courthouse with Chairperson Bill Slaughter and Commissioners Scott Adler and Charles Hinkle attending. Also attending was Executive Assistant Mike Kahoe. The session convened with the pledge of allegiance. The Board noted that this regular meeting is being held in the District Courtroom of the courthouse to allow for the recommended social distancing (keeping people at least 6 feet apart) in order to slow or stop the spread of the coronavirus (COVID-19).**

**The Board participated in the regular quarterly meeting of the Granite County Safety Committee this morning. Minutes of that meeting are kept separately**

**Road and Bridge Superintendent/Solid Waste Manager Paul Alt met with the Board and gave his report. The report included that the ground is starting to thaw and the crew is busy continuing to grade roads.**

**A policy on large loads coming in to the solid waste sites was discussed by Road and Bridge Superintendent/Solid Waste Manager Paul Alt and the Board. The sites do not have the capacity to serve the public and receive large loads, over one ton, without prior notice. Commissioner Adler noted that currently heavy loads are costing the district money. Commissioner Adler moved to accept certain changes and the proposed written advertisement reflecting those changes as prepared by County Attorney Blaine Bradshaw, which requires at least one business day notice for loads over one ton or the load will be refused and increased in-district overages to \$87 per ton. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. The Board agreed to publish the advertisement in the Philipsburg Mail newspaper for two consecutive weeks. The amended written solid waste policy for the county will be on the agenda for the following week.**

**Major projects for the county Road and Bridge Department were discussed with Road and Bridge Superintendent Paul Alt and the Board. Paul Alt listed projects with Georgetown Lake and Mullan Road having top priority. The projects listed were millings on part of West Mullan, part of east Mullan, Graybeal Road up to bridge, Georgetown Lake Road to Lake Shore; gravel two miles of Henderson Creek Road; Bridge Repair on Ranch Creek Bridge and Stony Creek Bridge. Discussion was held on the snow fence near the East Fork Road and Paul Alt noted that it would not be done until August or September once it is let to bid after going through the formal public bidding process. Commissioner Adler noted that some projects will depend on the availability of asphalt millings from state highway projects.**

**Public Health Emergency Planning (PHEP) Coordinator Dustin Muhly met with the Board by speaker telephone and gave an update on the novel coronavirus 2019 (COVID-19) pandemic. He reviewed the most recent Montana Health Alert Network information sheet. Dustin Muhly indicated that the public is well-informed at this point and the Board has received the most recent HAN notice from Saturday. The most important thing is to keep people isolated to inhibit the spread of the virus. Dustin Muhly indicated that the most recent**

information he has received is related to health care facilities. Commissioner Slaughter suggested that ongoing updated information through Dustin Muhly and Jackie Bolster to be put on the county's website to keep people informed with accurate localized information. The Philipsburg Brewery tap room and the Silver Mill Supper Club have voluntarily agreed to close. Dr. Ransford suggested a task force to feed information to the county website. It was noted that a quorum of the County Board of Health was present and could make emergency decisions. As chair of the County Board of Health he recommends that all bars and restaurants within the county be closed, except for takeout. It was agreed that a quorum of the Board of health was present, consisting of Dr. Ransford and the three County Commissioners. Dr. Ransford moved that all bars and restaurants in Granite County be closed for at least two weeks and then revisit the issue. Dr. Ransford noted that pandemics usually last much longer than two weeks. Commissioners Adler and Hinkle indicated that they are not in favor of the motion. As discussion, Drummond Mayor Gail Leeper inquired when it would start and Dr. Ransford stated that it would start tomorrow. She recommended that the precaution be taken as we know that the virus is coming. Commissioners Adler and Hinkle indicated that they would be more in favor of any closures being week to week. County Attorney Blaine Bradshaw noted, that as an alternative, the Board of Health can make a recommendation to businesses rather than ordering such closures. Yolanda Sshulz, Assistant Administrator of the Granite County Medical Center, noted that there are nine coronavirus cases currently in Montana; if people are to be kept apart the recommendation needs to be made now. She reviewed how the number-of-cases curve can be flattened if people get ahead of it now. She emphasized that people must keep a distance from other people and she is in favor of a closure order at this time. Dr. Ransford clarified his motion that takeout would be allowed and would only apply for one week commencing on March 18, 2020. Commissioner Hinkle seconded the motion. The motion was passed by the Board of Health on a unanimous vote. The matter will be re-visited next Tuesday. Discussion was held about gas stations and that they are considered essential services. The County Attorney noted that grocery stores and convenience stores must stay open to serve the public. Maria Stoppler, CEO of Granite County Medical Center (GCMC), noted that GCMC continually updates information on its website and the county website can be linked to the GCMC website. Discussion was held that the flatter the curve, the fewer cases of the virus occur. The motion carried with Commissioner Adler voting to oppose the motion. As a second motion, Dr. Ransford then moved that the Board of Health strongly recommend to all other business to follow the CDC guidelines. This motion was seconded and unanimously passed by Board of Health after Board and public comment that was generally in support of the motion. Drummond Mayor Gail Leeper inquired whether the county has declared an emergency and the response was that it has not yet. Scott Struna felt that sound long-term decisions need to be made at this time. Genevieve Kulaski said that this is where the task force comes in, with one member from each group. Dr. Ransford responded that long-term decisions are to be made now when we don't know what will happen in the future. County Attorney Bradshaw stated that local schools can make their decisions now and encouraged that remote learning for schools should be set up now. Philipsburg Mayor Daniel Reddish inquired about the utilization of the isolation policy and suggested that it be used. Pastor of

the Community Church inquired how this affects churches and gathering together; he is praying for everyone. He is getting questions from his parishioners. Commissioner Slaughter noted that it is good public policy to declare an emergency today in order to get state and federal funds. Commissioner Adler moved to pass an emergency declaration. Commissioner Hinkle seconded the motion. Commissioner Slaughter commented that it is good public policy to do this at this time. John Barbara congratulated the Commission for making the tough decisions. The motion carried unanimously. A formal, written resolution (Resolution No. 2020-9) proclaiming an emergency was signed by the Commission. Discussion was held about a task force to possibly be formed to communicate information to the public. Sandra Leah Barbara noted that a task force should be created using a standard model. Discussion was held to possibly use the LEPC (Local Emergency Planning Committee), which already contains the necessary people, or possibly a committee within the LEPC. Mayor Reddish and Mayor Leeper said that they believed the LEPC could perform the function of a task force. It was agreed that the LEPC would perform as the task force. Dustin Muhly will continue to distribute the information he receives from the state and look at options and fill the gaps. Discussion was held to use reverse 9-1-1 to disseminate the information throughout the county, rather than expect people to read the website. The Board agreed to await the information from the LEPC. Maria Stoppler noted that GCMC is doing testing on appropriate people and will meet people inside their cars to do the testing. They are discouraging walk-in people at the clinic, but she suggested that they should call for an appointment. Maria Stoppler noted that telemedicine is now available through people's cell phones, which prevents people from coming into the facility. Rex Radtke suggested that a mass mailing be done with important information, phone numbers, and websites. Jackie Bolster reported that the Drummond Senior Citizen's Center is doing home delivery instead of congregate meals. Ashley Westphal said that she does not advise that sheriff's officers go door to door to businesses to communicate closure orders, but use a phone call (reverse 911) instead. Commissioner Adler moved to approve the letter from the Granite County Board of Health dated March 17, 2020, regarding orders of closure, with exceptions, commencing March 18, 2020. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Attending were County Attorney Blaine Bradshaw, Dr. Mark Ransford, Superintendent of Philipsburg Schools Kevin St. John, and Drummond School Board Chairman Scott Struna. Those signing in were Treasurer Vicki Harding, Clerk of District Court Carol Bohrnsen, Granite County Hospital District board members Kristi Mainwaring and John Barbara, Philipsburg Mayor Daniel Reddish, CEO of Granite County Hospital District Maria Stoppler, Drummond Mayor Gail Leeper, Emily Petrovski with the *Philipsburg Mail* newspaper and Tim Allen with the Flint Creek Courier.

The Board reviewed and approved a notice to be placed at all entrances of the courthouse which reads: "STOP In light of recent events, the Granite County Commissioners are asking that you NOT ENTER county facilities if you are ill. You will find a list of contacts below to call to conduct business via phone."

The Board reviewed a proposed from Medefis staffing services to provide a contracted county Public Health Nurse. The Board agreed to proceed with the contract on the motion of Commissioner Hinkle and second by Commissioner Adler. There was no public comment. The motion carried unanimously. The Board later agreed to put the Medefis agreement on hold to see if the Anaconda-Deer Lodge County agreement is successful.

Georgetown Lake level was reported at 6,428.75 feet, according to the USGS gage and the dam tender's report. The lake is approximately 9 inches below full pool. The outflow is estimated at approximately 45 cfs. Commissioner Hinkle moved not to change the outflow and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board reviewed county claims for February 2020. The claims were approved on the motion of Commissioner Adler and seconded by Commissioner Hinkle. There was no public comment. The motion carried unanimously.

The Board reviewed the Petition to Abandon County Road at Maxville, "Old Princeton Road (From Montana Highway 1 to Maxville Road)." County Attorney Blaine Bradshaw noted that the petition had been submitted and is in order. The next step is to send the county surveyor and Commissioner Bill Slaughter to investigate the road and make a report. Larry DeMott noted that the only utility in the road is Blackfoot Telephone. Commissioner Adler moved to have Commissioner Slaughter and the surveyor review the road and make a report. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Leigh Ann Holmes, Director of Anaconda-Deer Lodge County Public Health Department, and Karan Kunz, Chairperson of the Anaconda-Deer Lodge County Board of Health, met with the Board by speaker telephone to discuss the possibility of that department providing public health nurse services to Granite County. Leigh Ann Holmes noted that Granite County is looking for a health nurse and she is trying to determine what the amount of interest is in a joint agreement between the two counties. She reviewed their staffing availability, which she feels is sufficient to provide health nurse services to Granite County on a part-time basis. She noted that she has extensive administrative experience from working with the state for many years. She proposed providing a nurse on two specified days of the week and the number of hours per week were discussed. The Anaconda-Deer Lodge County Attorney Ben Krakowka would draft a proposed agreement and Granite County Attorney Blaine Bradshaw would assist in working on that draft agreement. Discussion was held on grants and who will write them. Leigh Ann Holmes explained that Chief Executive Bill Everett is over all Anaconda-Deer Lodge County employees. Discussion was held on a nurse's salary plus benefits, plus mileage, for two days a week until July 1, 2020. A long-term agreement would be considered prior to that date if the original agreement is successful. Leigh Ann Holmes agreed to try to have a proposal (with draft agreement) available for the Board prior to the next meeting the following Tuesday. The Board indicated that the current budget should be sufficient as the position has been vacant. Also, Karan Kunz noted that Discovery Ski Area is the only ski area open in the state and it

was discussed that it is included in the Board of Health's earlier declaration. County Attorney Blaine Bradshaw and Jackie Bolster attended.

County Extension Agent Ben Hauptman met with the Board to request to revise the position description for the Weed Foreman position. Also, he requested to raise the position on the county's pay matrix due to the additional duties required in the revised position description. He presented the revised position description and reviewed the reasons for the revisions. Discussion was held on whether contracting weed spraying would be an option. Ben Hauptman noted that there are funds in the budget for the revised position. The Board discussed the request and tabled the matter until the next session.

The Board reviewed correspondence from Charles and Sylvia Diebert regarding a real property tax matter and their request for reimbursement of expenses in the amount of \$1,366.85 from Granite County. The error in the Diebert's taxes was apparently made by the Montana Department of Revenue, the county merely collects the taxes. County Attorney Blaine Bradshaw believes that the MT DOR is liable, not the County. Based on County Attorney Blaine Bradshaw's recommendation, the Board sent a letter to Charles and Sylvia Diebert declining the request on the motion of Commissioner Adler and second by Commissioner Hinkle. There was no public comment. The motion carried unanimously.

The Board held the first reading of Resolution 2020-8 "A Granite County Resolution Supporting Senate Bill 3019 Introduced by U.S. Senator Steve Daines as the Montana Water Rights Protection Act." As discussion, Commissioner Hinkle stated that he cannot support the Resolution and noted that this stems from the CKST Compact and if your water well runs dry, that new law under Daines' bill would that another well could only be drilled at the site of the original well and no deeper than the original well. Commissioner Slaughter disagreed with Commissioner Hinkle regarding his interpretation of Daines' bill regarding water wells. Patti Kanduch agreed with Commissioner Hinkle regarding water wells. Commissioner Hinkle stated that those sections do not change the provision for wells. Dick Motta commented that the CSKT Compact was not passed by a two-thirds vote of the Montana legislature, therefore it is unconstitutional. Also, Daines' bill should go back to the Montana legislature for approval. Commissioner Slaughter noted that there was a cursory report from the Supreme Court that the CSKT Compact is constitutional. He noted that the point is that the Resolution does not support the CSKT Compact, but it revises certain areas of the CSKT Compact that could be revised. Dick Motta indicated that the Indians don't have water rights according to the Hellgate Treaty. Commissioner Slaughter noted that Daines' bill is likely the only opportunity to do better. Commissioner Hinkle said that the worry is with the state not with the tribes. He reviewed that the bill supports certain parts of the original CSKT Compact, which he feels is illegal. Commissioner Adler noted that his concern is also that the state is taking over local water rights in an effort to control more and more water rights. Elena Gagliano commented that a letter was written by the Board on a previous Daines' bill and this bill is supported by a Resolution. Also, the Natural Resources Plan, which is over 300 pages, and the Clean Air and Water Act are brought in, which gives them jurisdiction. Also, people won't be able to sue in federal court because the tribe is

sovereign. Commissioner Slaughter indicated that in Daines' bill that water rights would be in state court. Elena Gagliano encouraged all Board members to read the information she presented and she requested answers from the Board at the second reading of the Resolution. Patti Kanduch discussed water rights in Daines' bill. Commissioner Slaughter noted that Daines' bill preserves water rights in this area of Montana. Patti Kanduch inquired how other counties feel about the bill. Commissioner Slaughter responded that counties in this area are supportive, but counties closer to the reservation feel that the CSKT Compact and Daines' bill are a nightmare for them. Patti Kanduch inquired if Senator Daines could be requested to hold off on this bill so it could be more fully researched. County Attorney Blaine Bradshaw noted that Montana water rights are protected from calls by Idaho or Washington water right claimants (this law is already in place and will continue under new bill), and his reading of Daines' bill is different than Patti Kanduch's regarding water wells. He will do more research on that point. Commissioner Adler noted that there are only three people here today and he feels that there should be much more public comment from people who have the most to lose. Commissioner Slaughter noted that Daines' bill cannot be revised because it has been negotiated with the tribes. Also, many points in the People's Compact are in the bill. Elena Gagliano said that people had been before the Commission in the past, but were treated poorly in the past. Dick Motta reviewed parts of the CSKT Compact and the state reserves the right to withdraw from the compact and Daines' bill should go through the entire process. Commissioner Slaughter noted that Daines' bill was negotiated with the tribes, which was allowed. Dick Motta inquired about and questioned the benefit of Daines' bill to the county. Bill Slaughter noted that Daines' bill is the best thing we have to preserve water rights in Granite County. Elena Gagliano indicated that there are currently lawsuits being filed by ranchers over water and the CKST Compact. Elena Gagliano stated that if Daines' bill doesn't go through, the CSKT Compact will go back to the state legislature and she demanded that the Board read the information that she is presenting. Patti Kanduch reviewed the history of federal court cases related to water in the northwest and the tribes. County Attorney Blaine Bradshaw indicated that the 3% of water right claims discussed in the Daines' bill will likely be litigated regardless if Daines' bill passes or not. Dick Motta reviewed the dates by which the compact was required to be adopted. Elena Gagliano left a packet of information for the Board, including correspondence from U.S. Senator Steve Daines, a copy of "Aboriginal Rights, Ancestral and Traditional Lands, and Time Immemorial: The tribalism Train Wreck Coming Straight At Us by Elaine Willman," information regarding the CSKT Water Compact, and the Klamath "takings" case filed with the U.S. Supreme Court. Dick Motta left a packet of information by Verdell Jackson, NorthWest Liberty News, March 1, 2020. These documents are on file with the Clerk and Recorder.

**Public Comment:** Elena Gagliano inquired whether the Board will be meeting in the District Courtroom in the future due to the coronavirus. The Board responded that it will be considered on a week by week basis.

**Correspondence:** None.

**Commissioner Adler moved to approve the March 10, 2020 minutes as presented and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.**

**The session adjourned at 2:45 p.m.**