

March 24, 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 novel coronavirus (COVID-19).

Road and Bridge Superintendent/Solid Waste Manager Paul Alt met with the Board and gave his report. The report included that he is currently obtaining rip-rap for future use. Commissioner Adler relayed a compliment from Charlie Parke on the job the Road Department is doing on grading roads. Snow Fence Project: Paul Alt presented specifications for snow fence which were obtained from the Wyoming Department of Transportation. The plan is to put in approximately one-quarter mile of snow fence on Mungas land on East Fork Road, approximately 150 feet off the road. County Attorney Blaine Bradshaw noted that he had drawn up a simple draft agreement with the landowner authorizing the county to be able to erect the fence. Commissioner Adler moved to approve to move forward with plan and request the County Attorney make the needed changes to the draft agreement and also draft a notice to bid to be approved the following week. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

Georgetown Lake level was reported at 6,428.64 feet, according to the USGS gage and the dam tender's report. The lake is approximately 10.32 inches below full pool. The outflow is estimated at approximately 45 cfs. Commissioner Hinkle moved to make no change in the outflow and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

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. Dr. Mark Ransford presented a written update on the COVID-19 crisis dated 3-24-2020. Dustin Muhly reported that he has not heard anything new from the state since last Wednesday. He noted that personal protective equipment has been received by the Granite County Medical Center from the national stockpile. Currently there are 46 confirmed cases in Montana and over 1,000 tests for the virus have been performed. Dr. Mark Ransford noted that some of the 16 confirmed cases in Gallatin County are through community transmission. Discussion was held on reimbursement for ambulance personnel for being on call due to COVID-19. Jackie Bolster, participating by speaker telephone, noted that ambulance runs for other than COVID-19-related cases would not be federally reimbursed. She also reviewed the Request for Public Assistance form to be submitted to FEMA, which will reimburse at 75%. Commissioner Slaughter noted that there is currently \$60,000 in the county Disaster Fund. County Attorney Blaine Bradshaw noted that ambulance volunteers are covered by the county's workers compensation and liability insurance. Dustin Muhly

noted that the Philipsburg Ambulance has enough personal protective equipment for 25 transfers. Commissioner Adler moved to use the county disaster funds for COVID-19 purposes, including a stipend of \$2/hour for on-call hours, \$100 per call for an EMT and \$75 per call for a driver. This will continue until further decision of the Board. Commissioner Hinkle seconded the motion. Jackie Bolster commented that the ambulance is disinfected before it leaves the facility to which the person was transported. Drummond Mayor Gail Leeper asked if there would be cooperation between the Drummond and Philipsburg Ambulances and the response was that the entire county needs to cooperate. Dustin Muhly reviewed a governor's declaration that patients can be transferred between health care facilities without the usual red tape. The motion carried unanimously.

Board of Health met next during the meeting with a quorum present. Dr. Mark Ransford, as Chair of Board of Health, presented and read the March 24, 2020 update on COVID-19 crisis in Granite County. A quorum of the Board of Health was present. Discussion was held on which services are essential services while being fair with all businesses county-wide. Dr. Mark Ransford further noted that we are in a holding pattern at this time and we must concentrate on prevention. Acting as the Board of Health, Commissioner Hinkle moved to continue the same restrictions (orders and recommendation) for another week through 11:59 pm on March 31, 2020. Commissioner Adler seconded the motion. Dr. Ransford noted that a governor's declaration can override any less stringent county regulations. The motion carried unanimously. Sheriff Scott Dunkerson noted that he needs an infusion of hand sanitizer and would like more respirators. Jackie Bolster noted that she needs some signatures on the public assistance form to submit to FEMA for reimbursement of 75% of certain expenses related to the COVID-19 pandemic. Attending were Sheriff Scott Dunkerson, Maria Stoppler, Drummond Mayor Gail Leeper, Philipsburg Mayor Daniel Reddish, John Barbara, Elena Gagliano, Dick Motta, Carol Bohrnsen, Claudette Parke, Janeen Bonney, Pastor Clayton Brown and Emily Petrovski with the *Philipsburg Mail* newspaper.

Discussion was held on a Resolution declaring a disaster due to novel coronavirus and the COVID-19 pandemic. The Board considered Resolution 2020-11 "A Granite County Resolution Declaring A Disaster Due To Imminent Threat Of COVID-19 Virus And Associated Damages." Commissioner Adler moved to adopt Resolution 2020-11 and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

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, including GPS coordinates on large weed infestations which could be used the following year to determine if the weed spraying is effective. Also, he noted that the new position description will hold the position to a higher standard. Ben Hauptman indicated that there are funds in the budget for the revised position. He suggested that the position be moved to a Grade 10

on the county's pay matrix and the current Weed Foreman be at a Grade 10, Step 1, due to his experience. Commissioner Hinkle moved to approve the request and Commissioner Slaughter seconded the motion. The motion carried with Commissioners Slaughter and Hinkle voting in favor of the motion and Commissioner Adler voting to oppose the motion. On another subject, Ben Hauptman noted that all 4-H events have been canceled at this time due to the COVID-19 pandemic.

The Board considered adoption of the Granite County Solid Waste District Policies and Procedures Manual, third revision dated March 17, 2020. County Attorney Blaine Bradshaw noted that this revision contains the recent decisions related to Solid Waste made by the Board. Commissioner Hinkle moved to adopt the policies and procedures manual and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board held the second 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." Commissioner Adler commented that it seems that the government agencies are more involved in this than the Native Americans. Commissioner Hinkle commented that he cannot support the bill because it is based on the CSKT Compact and in the end it may be detrimental to the people of Granite County. Commissioner Slaughter commented that most Granite County water rights are protected in this bill and water issues will be decided locally, not federally. Commissioner Adler moved to adopt Resolution 2020-8 and Commissioner Slaughter seconded the motion. There was no further discussion by the Board. There was no further public comment made, but the Commission considered all public comment to date. The motion carried with Commissioners Slaughter and Adler voting in favor of the motion and Commissioner Hinkle voting in opposition of the motion.

Ben Singer, with Flint Creek Hydro LLC, met with the Board to discuss potential changes to the contract with the county to result in more revenue for the county to cover ongoing expenses for the Flint Creek Project. Also attending were Granite County Attorney Blaine Bradshaw and Project Engineer Jeremiah Theys with Great West Engineering of Helena. Commissioner Slaughter explained that originally the funds from the Montana Power Company were sufficient to maintain the dam. Now, with more requirements from FERC, there are not sufficient to maintain the dam. He noted that levied money or tax money will not be used to maintain the dam because that is not the agreement. Jeremiah Theys presented an accounting of recurring annual charges, including the annual dam inspection and updating plans. He noted that two recent major projects have killed the dam fund. He estimated that \$90,000 would be needed this year and next to complete the major projects. Also, independent consultants need to be hired for two specific tasks, the Part 12D inspection (required every five years) and the flood control study. Although FERC has allowed the county to delay some required items, those items will still be required in the future. Jeremiah Theys noted that an outlet in the dam is not functional and may need to be repaired and operational in the future. Commissioner Hinkle noted that he has never met Roger Kirk, the head of Flint Creek Hydro, and that this project is a partnership. Commissioner Adler

noted that the dam fund is really in a bind. Ben Singer said that they are not opposed to getting some funds to the county, but he is looking for a dollar amount that is needed on a one-time basis. County Attorney Blaine Bradshaw indicated that the agreement with Flint Creek Hydro could potentially be extended (re-structured through an addendum) to cover the additional funds, meaning the county's percentage increases now but the contract length is extended; the amount of funds and the extended term would need to be decided. Discussion was held on how the county could potentially provide insurance to the power production facility. Ben Singer reviewed that they budget for equipment repair and maintenance. Jeremiah Theys reviewed that there was a reserve in the fund for many years and then FERC required the spillway inspection, and new hydrology studies are now required for flood control. He noted that the spillway and dam face repairs must be completed this year. Also, there are random unknowns of what will be required in the future. Ben Singer stated that Flint Creek Hydro would need to know what dollar figure is estimated to be needed. Jeremiah Theys indicated that his best estimate is in the spreadsheet that he presented. Dick Motta asked what the provision is for default of the contract. Commissioner Slaughter stated that Dick Motta should write down his questions and ask them during public comment at the end of the Board's discussion, and to not interrupt the Board's discussion. Dick Motta said that he is being denied the right to participate. Jeremiah Theys indicated that an option would be a cash advance today with less revenue in the future, once the risk for both parties is reviewed. Commissioner Slaughter said that the county will continue to work with FERC and with the congressional delegation, but cooperation with Flint Creek Hydro is crucial. Dick Motta questioned project revenue and costs. Commissioner Slaughter cautioned Dick Motta again to save his questions for public comment at the end or he would be removed from the meeting. Dick Motta said that he is being denied his right to participate. Commissioner Adler moved that Jeremiah Theys and Ben Singer be allowed to speak with FERC about the Flint Creek Project and that FERC be notified of the decision. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously. Ben Singer agreed to submit several proposals for the Board's consideration. County Attorney Bradshaw indicated that once a proposal is accepted that it would it could be in the form of an addendum to the current contract. Scott Sylvester with the *Philipsburg Mail* newspaper and Dick Motta attended.

Public Comment: Dick Motta made a request for the county attorney to review the open meeting laws, the agenda should be published in the newspaper and having those laws applied to the Commission, also minutes should be available in draft form. The supporting documentation should be included with the agenda. More participation by the public in the budget process. Also, the PILT funds should be considered in setting the mill levy. It should be decided if the agreement with Flint Creek Hydro is a contract or a lease to purchase. Also, a return on investment analysis should be done on the Flint Creek Project. County Attorney Blaine Bradshaw said that Dick Motta has brought up the same questions over and over again and it is his opinion that the way the Commission operates is legal.

Also as public comment, Frank Prince, with the Drummond Ambulance, commented by speaker telephone and reviewed the precautions which the Drummond Ambulance is

instituting because of COVID-19. He noted that the ambulance is well supplied unless there is a mass casualty incident. The Board requested that Frank Prince inform the Board if any supplies are needed. Also, the Board informed Frank Prince that during this emergency period of time that a stipend is allowed for ambulance personnel for on-call hours, EMT's and drivers to assure the availability of ambulance services.

Correspondence: None.

Commissioner Adler moved to approve the March 17, 2020 minutes as revised and Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The Board did not review the proposal from Anaconda-Deer Lodge County (ADLC) to provide public health nurse services as a proposal had not been sent yet by ADLC. County Attorney Blaine Bradshaw noted that he had sent a copy to ADLC of the agreement the county had in effect in the past with Missoula County. Jackie Bolster, county DES/Safety Coordinator and Public Health Assistant/Secretary indicated that she had spoken with Debbie Robinson RN with the Anaconda-Deer Lodge County (ADLC) Public Health Office about vaccines and the WIC program. The Board contacted Leah Ann Holmes, Director of the ADLC Public Health Office, by speaker telephone regarding a proposal and she said that the proposed agreement she drafted (using the Missoula County agreement as a model) has been sent to the ADLC county attorney for finalization. Communicable disease reporting was discussed and Leah Ann Holmes indicated that it would not be a provision in the proposal. Discussion was held on a provision for a one-half time nurse for Granite County until the end of the fiscal year when an agreement would be renegotiated. Commissioner Hinkle moved to enter into an agreement with ADLC to provide a public health nurse for 20 hours per week at \$40/hour (plus mileage costs) so long as the contract is consistent with the agreement that the county had previously with Missoula County and that ADLC would take care of communicable disease reporting. Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously. County Attorney Blaine Bradshaw and Scott Sylvester with the *Philipsburg Mail* newspaper attended.

The Board discussed establishing an account with Medefis personnel staffing. Establishing an account with Medefis will save time if the county needs to fill a professional position in the future. Establishing an account does not obligate the county financially and there is no charge if the county requests Medefis to fill a position. Commissioner Hinkle moved to establish an account with Medefis personnel staffing and Commissioner Adler seconded the motion. There was no public comment. The motion carried unanimously.

The Board discussed the sale of the sheriff's office totaled 2013 Ford Explorer for parts. Commissioner Adler moved to sell the 2013 Ford Explorer for parts for \$1,250.00 to Tuff Country Auto Body with a salvage title. Commissioner Hinkle seconded the motion. There was no public comment. The motion carried unanimously.

The session adjourned at 3:00 p.m.