

May 3, 2021 Regular Session of the Beaverhead County Commissioners

The Board of Commissioners, in and for Beaverhead County, Montana, met in session on May 3, 2021 at 9:00 a.m. in the Commissioners' Room of the Beaverhead County Courthouse. Present: Chairman John H. Jackson, Commissioner Mike McGinley and their Assistant Cindy Decker. Commissioner C. Thomas Rice was absent dealing with funeral plans for his son. Our condolences continue to be with his family.

Updates on County Projects

Road Supervisor Bob Ferris and Public Works Secretary Jamie Flynn joined the meeting. Bob will go take a look at Carrigan Lane this week to see when is a feasible time to fix it. Jamie mentioned that she sent the bid advertisement to the Tribune for the Byway Striping and construction on Rock Creek Bridges to be advertised the next three weeks. We did receive a striping bid last Monday but it was after the meeting that it was received. It showed up late that night so it must be rebid on May 24th. The delineators will be an add alternate to the bid.

GIS Coordinator Tracy Sawyer, DES/Land Sanitarian Tom Wagenknecht, Casey Elliott from the Tribune, Facilities Manager Chris Booth, Sheriff Paul Craft, County Attorney Legal Assistant Montana Mantei, Victim Advocate Kayla Patrick and Attorney Jacy Suenram joined the meeting.

Chris stated that West Electric performed the beginning of the year inspection on the heating and cooling system in the Treasurer's Office and it is good to go for another year. He is waiting for the weather to cooperate to build the patio.

Tracy stated that the propane tank at the Kona site needs to be emptied and retrieved.

Tom stated that there is a person in Wise River that is irate about the canister site up there. The campers fill the canisters up so there is no room left for the residents' trash. Tom also mentioned that the Forest Service wants to donate a small trailer house to the county. Discussion ensued.

Paul commented that the parts have been ordered for the Butler Repeater Site so hopefully he can move forward as soon as those parts come in. He has gotten the bid for paint in the jail and has done a walk through with the plumber and is waiting on the estimate. Paul is ready to put two new trucks into service very soon.

The following Road Department Report was submitted and scanned into the minutes:

BEAVERHEAD COUNTY ROAD WORK April 25th to May 1st, 2021 Dillon, Lima and Wisdom Areas

DILLON AREA

- Bladed on the following roads: Dutchman, Albers, Anderson, Hogsback, Moose Trail, Old Armstead and Bannack Bench.
- Worked in Big Sheep Creek gravel pit, GP129.
- Attended CPR and first aid training.
- Road checked Dillon area roads.
- Equipment service and repair.

LIMA AREA

- Bladed and watered on Big Sheep Creek Road.
- Removed "Road Closed" signs on South Valley Road and Stibal Lane.
- Attended CPR and first aid training.
- Yard maintenance.
- Road checked Lima and Dell area roads
- Equipment service and repair.

WISDOM AREA

- Plowed snow on Gibbonsville Road.
- Bladed on Twin Lakes Road.
- Culvert repair on Moose Creek Road.
- Attended CPR and first aid training.
- Shop maintenance and cleaning.
- Road checked Jackson and Wisdom area roads.
- Equipment service and repair.

Action on Previous Meeting Minutes

The minutes of the April 26, 2021 meeting were read and the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Jackson seconded that the minutes of the April 26, 2021 meeting be approved. A verbal vote was taken and the motion carried unanimously.

Public Comments on Subjects Under County Jurisdiction Not on Agenda**Discussion & Action ~ Resolution 2021-11 ~ Appointing Prosecution Services to Assist Beaverhead County**

Jennifer Adkins from the Attorney General's office, Prosecuting Services Bureau Chief Dan Guzynski and Attorney Thorin Giest joined the meeting (via zoom). Dan began the discussion by explaining the reason for this Resolution. Beaverhead County Attorney Jed Fitch will be undergoing some serious medical procedures and will not be available to do his normal duties for an unknown period of time. The Montana Department of Justice has a bureau called Prosecution Services Bureau that exists for situations like this. Their field of expertise is criminal prosecution. They would take over our criminal Felony prosecution cases and would oversee everything in this jurisdiction. The Department of Justice would pay for everything except for trial expenses (expert witnesses etc.) so this comes at virtually no cost to the county.

Dan recommends that the county does need an interim county attorney until we know more about Jed's situation. He recommends Thorin Giest since we really need "boots on the ground" here locally.

The Yellowstone County Attorney has volunteered to take on the Youth Court Juvenile cases and Montana has already sent the cases to him.

The DN cases will be handled by Prosecution Services.

The Misdemeanor cases may be handled by Jacy Suenram or possibly Russ Michael. A decision will be made next Monday when we know more.

The Civil cases would need to be contracted by a local firm.

Thorin commented that he is a long-time friend of Jed's and is happy to help in any way he can. He also said that Jed is particularly well liked among the Bar and Prosecutors so there are a lot of attorneys that would step in to help and most would do it without charge; we have resources.

Paul suggested that we go by Dan's plan, lay out the groundwork and go on from there.

After brief discussion, the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Jackson seconded that Resolution 2021-11 ~ Appointing Prosecution Services to Assist Beaverhead County be adopted. A verbal vote was taken and the motion carried unanimously.

A copy of the resolution can be viewed below:



109695 Fee: \$ 0.00 File: 2021-11 Page: 1
 BEAVERHEAD COUNTY Filed 5/3/2021 At 10:30 AM
 Stacey Reynolds, Clerk and Recorder
 By: *Stacey Reynolds*

RESOLUTION 2021-11

Appointing Prosecution Services to Assist Beaverhead County

Whereas, the Beaverhead County Commissioners have requested legal assistance on behalf of the County for a period of six months from the date this Resolution is signed, or unless terminated earlier by the County Commissioners, and

Whereas, it is desired and deemed appropriate that special deputy county attorneys be appointed to assist Beaverhead County with its prosecution needs for the aforementioned period of time, and

Whereas, Mont. Code Ann. §44-4-111 authorizes and contemplates that the training coordinator for county attorneys and the bureau chief for Prosecution Services Bureau (together with the deputies within said bureau) act as special counsel on request of the county attorney and upon the approval of the board of county commissioners, and

Whereas, Mont. Code Ann. § 2-15-501(6) authorizes the Attorney General to provide assistance to county attorneys in the discharge of his or her duties, and

It Is Hereby Resolved:

That the attorneys assigned to the Prosecution Services Bureau of the Department of Justice are hereby appointed as special deputy county attorneys for Beaverhead County for the purpose of assisting in the prosecution of criminal cases as needed during the aforementioned period of time, and that any of said deputies can fulfill the functions set out in Mont. Code Ann. § 44-4-103.

If the need for assistance goes beyond the expiration of this resolution, the needs shall be addressed in an additional resolution at that time.

RESOLUTION 2021-11
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 BEAVERHEAD COUNTY Filed 5/3/2021 At 10:30 AM

It is Further Resolved:

That under the terms of this agreement, no fee will be charged for attorney time provided by the Bureau. Assistance in such cases is provided without an hourly fee. Witness fees and expenses, jury costs, and other normal costs associated with prosecution and trial will be the County's responsibility as with all other prosecutions.

Dated this 3RD day of May, 2021.

ATTEST:

Stacey Reynolds
 CLERK AND RECORDER

John H. Jackson
 CHAIRMAN
Michael J. Moseley
 COMMISSIONER
 COMMISSIONER

Discussion & Action ~ TSEP Planning Grant Application

Mike stated that last week when Karl Yakawich was here, he suggested that we put in for a planning grant to do a bridge study project of Beaverhead County bridges again. This will get the County inline to put in for a project the next Legislative Session. Since it wasn't officially on the agenda last week, the Commissioners are doing this today. We will request that Great West Engineering submit a Bridge Study Planning Project application with a deadline of this June. This would get us in line for a TSEP grant in the next legislative session

After brief discussion, the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Jackson seconded that we ask Great West Engineering to put in for our TSEP Bridge Planning Grant. A verbal vote was taken and the motion carried unanimously.

Discussion & Action ~ Beaverhead County DUI Task Force ~ Annual Plan, Report & Budget ~ Resolution 2021-09 ~ Appointing Members to DUI Task Force

Prevention Specialist Kim Martinell joined the meeting and began the discussion. She stated that this last year was crazy because of Covid. She is pretty rigid about following the state's rules and regulations. There is a new prevention specialist and his name is Tito Guillian.

After brief discussion, the following motion was made:

MOTION: Commissioner McGinley moved and Commissioner Jackson seconded that Resolution 2021-09 ~ Appointing Members to DUI Task Force be adopted, along with the Annual Plan and Annual Report. A verbal vote was taken and the motion carried unanimously.

A copy of the Resolution can be viewed below.

109699 Fee: \$ 0.00 File: 2021-09 Page: 1
BEAVERHEAD COUNTY Filed 5/3/2021 At 2:57 PM
Stacey Reynolds, Clerk and Recorder
By: *Stacey Reynolds*

RESOLUTION 2021-09

**RESOLUTION APPOINTING MEMBERS TO THE DUI TASK FORCE
AND APPROVING THE 2021-2022 PLAN**

WHEREAS, the Board of Commissioners of Beaverhead County, Montana on August 8, 2005, passed Resolution 2005-16 creating a Beaverhead County DUI Task Force and appointing members to this same Task Force; and

WHEREAS, the Beaverhead DUI Task Force desires to continue their mission of reducing alcohol and drug-related motor vehicle crashes, injuries, and deaths in the County as evidenced by their 2021-2022 Plan; and

WHEREAS, funds to be administered by the DUI Task Force, have accumulated and continue accumulating based on reinstatement fees, and will be available in the current fiscal year July 1, 2021, through June 30, 2022.

NOW, THEREFORE IT IS HEREBY RESOLVED by the Board of Commissioners of Beaverhead County, Montana, that the following shall be appointed as program directors for the Beaverhead County DUI Task Force:

Kim Martinell, Chair, 406-596-1284
Larry Lager, Vice-Chairperson/Treasurer, 406-596-6622
Shannon McWilliams, Secretary, 406-683-3785
Dillon City Attorney, 406-988-0067
Dillon City Police Chief, 406-683-3714
Beaverhead County Sheriff, 406-683-3707
Beaverhead County Attorney, 406-683-3731

NOW, THEREFORE BE IT FURTHER RESOLVED by the Board of Commissioners of Beaverhead County, Montana, that the following shall be appointed to the Beaverhead County DUI Task Force as Volunteer Community Members at Large:

Lila Guillen, Public Health Department 406-683-3179
Dave Oliverson, Montana Highway Patrol, 406-490-4515
Brenda Wornack, Dillonite Daily, 406-683-4903
Andrea Schurg, AWARE Project Coordinator, 307-438-1727
Tito Guillen, Butte Cares Prevention Specialist, 406-561-3920
Bill Louis, Obsidian Realty Group, 406-209-6601
Gerald Penn, Elks Lodge #1554 Exalted Ruler, 406-925-9184

NOW, THEREFORE BE IT FURTHER RESOLVED by the Board of Commissioners of Beaverhead County, Montana, that the public is invited to attend regular bi-monthly meetings to provide suggestions to the Beaverhead County DUI Task Force.

DATED this 3rd day of May, 2021.


BOARD OF COUNTY COMMISSIONERS

John H. Jackson
John H. Jackson
Chairman

Michael J. McGinley
Michael J. McGinley
Commissioner

C. Thomas Rice
Commissioner

ATTEST:
Stacey Reynolds
Stacey Reynolds
Beaverhead County Clerk and Recorder



Recess

At 12:00 noon, Chairman Jackson recessed the meeting. At 1:30 p.m., Chairman Jackson reconvened the meeting with Commissioner McGinley and their Assistant Cindy Decker present. Commissioner Rice was absent dealing with funeral plans for his son.

Unfinished Business/Other Topics of Discussion

Routine matters occupied the attention of the Board for the remainder of the day.

Payment of Invoices

The Commissioners reviewed and approved invoices for a total of \$39,680.84, beginning with check #207100 and ending with check #207135. The Invoice Payment Schedule is located in the Financial Administrator's Office.

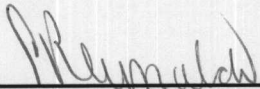
Public Comments on Subjects Under County Jurisdiction

There were no public comments.

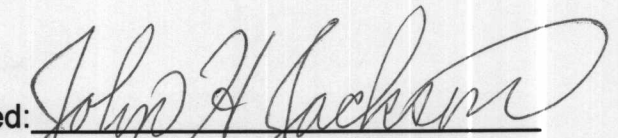
Adjourn

There being no further business to come before the Board, the meeting was adjourned at 5:00 p.m.

Attest: _____


Clerk of the Board

Approved: _____


Chairman of the Board