

**MONDAY JANUARY 17, 2005**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**No meetings scheduled.**

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**TUESDAY JANUARY 18, 2005**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.**

**MONTHLY MEETING W/ JIM ATKINSON, AOA**

Present at the January 18, 2005 9:00 A.M. Meeting were Chairman Hall, Commissioner Brenneman, AOA Director Jim Atkinson, Assistant Webb, and Clerk Moser.

General discussion was held relative to Gateway West Mall lease option, Army Reserve Armory building options, Transportation staff members, and building project progress update.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: BRADY WAY WEST**

Present at the January 18, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioner Brenneman, Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to approve the publication of Public Hearing and authorize the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **BRADY WAY WEST**.

**Road generally running westerly and northerly off of a branch which runs southerly from Big Ravine Drive and located in the Southeast ¼ of Section 23, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **2nd day of February, 2005, at 10:00 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **BRADY WAY WEST**.

This notice shall be mailed to each landowner who has access off of the proposed **Brady way west**, who has an address assignment on the proposed **Brady way west** or who owns property along the proposed **Brady way west**.

Dated this 18th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Gary D Hall  
Gary D Hall, Chairman

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser  
Deputy

Publish on January 22nd & 29th, 2004.

**TAKE ACTION: EHRMAN NINE LEASE SUBDIVISION**

Present at the January 18, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioner Brenneman, Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to terminate the preliminary plat approval of Ehrman Nine Lease. Chairman Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF PRINTING BIDS: COMMISSIONERS OFFICE & LIBRARY**

Present at the January 18, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Brenneman, Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to approve the print bid of \$58.00 for bookmarks for the Library. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the print bid of \$32.00 for 1000 business cards for Commissioner Brenneman. Chairman Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **TAX REFUND REQUEST: ELEK**

Present at the January 18, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioners Brenneman, Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to adjust tax amounts for the years 2001 and 2002 to be the same as taxes from 2003 plus penalties and interest on the personal property tax for Robert Elek and authorize the Chairman to sign. Chairman Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

### **MEETING W/ SUSAN NICOSIA**

Present at the January 18, 2005 10:30 A.M. Meeting were Chairman Hall, Commissioners Brenneman, Assistant Webb, Joe Russell, Computer Services Director Norm Calvert, Clerk and Recorder Paula Robinson, Finance Director Coleen Baars, Sheriff Jim Dupont, Road Department superintendent Charlie Johnson, and Clerk Moser

Susan Nicosia – Basically this meeting is to just start our preliminary discussions about 2006 fiscal year budget. To do a little bit of an overview as to what we would be looking at are things for the board of commissioners to consider at this time.

My first page, I call it my tax summary. What can we expect? Joe I apologize, this other commissioners and department heads heard me hammer on this a lot last year. If I skip over anything please ask questions. The way our tax levy is calculated under 15-10-420 does not allow for big growth at one time. The formula, and I did attach one of the worksheets for the general fund, this is how we have to calculate our levy. We have what we call our county wide levy. Within those mills, the floating mills is what they are called, the board of commission can do with them as they wish. Allocate them in whatever manner. We don't actually with those 65.450 mills we calculate individually to come up with the maximum is. We don't, it is not a fund specific. Within that 65 mills the commissioners can allocate them as they need to.

Commissioner Hall – What is the current evaluation? Is it still 152?

Susan Nicosia – 157165.218. I am anticipating four percent growth in this calculation to 163452. That is on the countywide. Last year we saw a smaller increase in the road and planning levy. Because of the calculation a slightly higher increase in the health department. Just to get started today we are going to talk about just the countywide levy.

My illustration here is to show you that what we go through this calculation by fund and calculate our floating mills. It does not provide for a great increase. As you can see, based on a four percent increase allowing for the same rate of growth, we would be looking at 1.890 additional mills. That increase between the '05 fiscal year maximum of 10 million 286 and the '06 maximum of 67.340 would be 720,394. That is why I wanted to say that there is no big windfall here. When the question comes up where is the money this is it. When we see all of this growth going on it takes at least two years for that growth to catch up. Then because of the bill, the legislature, they said we are afraid you are going to have all this growth and you are just going to keep taxing. That is why part way through this little schedule you see this current year levy computation we back out newly taxable property. What that does as I said earlier, is it tempers the growth. We have an increase in our tax value. A lot of that is from growth so we are going to back you down. You only get to levy 11.92 mills. That is just the way it works. There is no windfall. Last year the maximum for the general fund was 11.56 mills.

Myrt Webb – can I just point out, and this is kind of an issue that cities and counties have had, is that while the money you get is tempered the demand for services is not.

Susan Nicosia – Thank You Myrt. If you look at the year 2004 maximum was 64.440. The commission levied 58.84 mills. Into 2005 the maximum was 65.45. The commission allocated 62.846. Our maximum, and this again is a preliminary number, is 67.340. That actual amount will be set by you gentleman. We levied a total of 128.262 mills, because outside of our countywide levies we have our voted levies, eagle transit, special EMS, regular EMS, Sheriff voted for a maximum of 30 mills, permissive medical levy which is exempt under this, and search and rescue which is voted. We add in two mills for each of the airport and the port authority, and we add in our outside cities levies, our road, planning, and then our emergency and disaster levy, and finally the Health Levy. I will get you a copy of this if I did not already do that. You floating mills are about half of what you usually levy. The commission approved a 5% increase for the 2005 fiscal year, so looking at a 5% increase over 2005, in your floating mills would only give this commission just under 500,000 dollars. So I added some food for thought here. At ten percent employer increase in health insurance premiums would be a hundred and ninety three thousand dollars. That is only to our levy county supported funds. That is not all of Joes health grants or other grants that pay there own. This is just for those that we are responsible for outside of other funding sources. Then I looked at our salary schedule. Applying a three percent salary increase, that would be total that is not a three percent increase on top of longevity and steps and everything else that we do, any promotions just a basic three percent in dollars would be 645 thousand dollars. Just these two items the commissioner would be looking at 838 thousand dollars. The health benefit increase can be applied to your permissive medical levy, which is outside of your floating mills. It is however a political issue, which is why I bring it up now because the Health benefit, medical benefit. What is the committee's title now?

Colleen Baars – Employee Wellness.

Susan Nicosia – There is a new title. It is the insurance committee. When they are looking at, and preliminary numbers, I have asked them that we need to do this upfront to give the commissioners ample time to set priorities in this next budget. To say okay what are we looking at for insurance premium increases. I have seen the memos that compensation board is already looking at perhaps no payroll increase or what can we do. We need to have those numbers firmed up before we go to our department heads and say what do you want, what do you need.

Commissioner Hall – Can you give Joe a little bit of an update on what we did the last two years, as far with employee health insurance and wage and so forth.

Susan Nicosia – Last year there was a 13 percent increase in the insurance benefit. That did stabilize your fund. This year we are having a very positive thing here, and so the fund, there is a good balance. However that has not always been the case. In fact we had a frightfully low cash balance as the claims were coming in. So the thirteen percent, when they set that the committee had actually asked, and that thirteen percent was county and employee. The Committee had initially anticipated perhaps adding some benefits this next year. The Human Resource director along with the finance director and myself started looking at this and saying, you know we can not add benefits. This fund is not healthy.

Commissioner Brenneman – Is our fund adequate now?

Commissioner Hall – Where is Raeann? I expected her to be here.

Susan Nicosia – she is in a meeting. We are looking at it and the committee is doing these initial. Before they did not come to the commission until really late, April, May, but we were already well into the budget process. That is why I throw it out here now. In terms of salary, last year was a unique situation. Raises had lagged and then the compensation board made a recommendation to increase salaries, which had an average effect of like twelve percent. Last year in employee's salaries and benefits it was over a million dollars in new money that the commission infused in. While at the same time saying, let's try not to raise taxes. We cut a lot of capital outlay to get last year's budget to balance. Part of that was because of the timing. We had already started the budget process. Those recommendations did not necessarily come with a price tag. The bottom line to say okay this is going to be four hundred thousand dollars for the sheriff and this is going to be half a million dollars to the general fund. Once it was set and the resolution was adopted then we had to make it fit.

Commissioner Hall – It was driven by trying to bring everyone back up to the average for the state. That is what drove it.

Susan Nicosia – It is not a negative, other than that we have to know in advance how we are going to fit it in the budget. I attached this schedule, this is part of our budget, just to show you personnel levels over time. You can see that it has risen. If you look between 2002 and 2003 you say oh there are only two employees. If you look at the District court line item it is important to note that in 2003 the state took over the judiciary part, so we actually lost nineteen employees, so that effect was we gained 21 employees.

Commissioner Hall – Do we know what the district court is going to do this year? We may need a couple of mills, two to three mills for them. It depends on what they do.

Susan Nicosia – We may and we are watching their cash balance, because right now Joe we are still responsible for the clerk of court and that staff. The state pays the expenditures of the justices and their staff.

Commissioner Hall – It could cripple us. Of course the money that has been taken away for entitlements and you know who is watching that to see that we get our full entitlements.

Susan Nicosia – I am watching them and I am sure that your Clerk of Court is watching that. Just to add to that permissive medical levy. The prior legislatures have allowed the county and cities to use a levy outside of your floating mills, because you can see health insurance increases are quite often crippling. How do we make that fit? So they said under 15-10-420 we will let you levy for those increases outside. The commissioners last year, the levy, the county has been using it for two years, levied 2.71 mills. That was 426 thousand dollars. If we other this 193 thousand on there than that is 619 thousand dollars, or about 3.79 mills. It is the one levy, it shows up separately on your tax statement basic county, road and then health insurance, it is the one levy, if you hear complaints, you will hear complaints that about. Why are we paying health insurance? That is why I said it is political. When the law first came out the commissioners chose not to set it outside. They said no lets try to fund it within our dollars, but it adds up. A couple of hundred thousand each year.

Commissioner Hall – I had learned at the MACO meetings that there are counties within the state of Montana, I don't know the exact numbers but several, that basically had to do away with it all together. They could not afford to pay for insurance for their employees. They had to do away with it. It was up to the employee to find their own insurance. Not that that would happen in the Flathead, but that is what is happening.

Susan Nicosia – It is not a given, at least not to me, that the commission would not just actually add that into the levy. There was much hesitation to raise the levy last year.

Commissioner Brenneman – Do you think that our cash fund and the health insurance is adequate.

Susan Nicosia – Not yet.

Commissioner Brenneman – You don't think it is adequate yet.

Susan Nicosia – No. If we had a bad year we would be in trouble. There is usually about three or four hits a year that exceed that, at time the stop loss insurance kicks in. If we had a bad year we don't have good enough coverage. We do right now, because the claims have been really good this year.

Commissioner Hall – I contribute that to the hard work of the safety committee and doing some safety works shops, and being actively involved in the employee group. It has helped to raise our reserve, and less accidents. Like you say you just don't know what could happen.

Susan Nicosia – We really need to look at that fund. Raeann, Colleen and myself are monitoring it very closely. That would be part of the recommendation to the commissioners. That is why I put in the ten percent. When we met with Dirk Visure, he is the third party administrator from allegiance; he was not as concerned about the balance last year. Raeann and I had a conference with him and he said you right. We better look at that. When you factor in the outstanding claims at the end of the year, it did not look so good. During the year we don't post claims incurred but not reported. They run about 200 thousand. So you look and then yes we have 651 thousand in cash there, but back out claims that are not posted every month and that leaves you with 400 thousand. You have a bad year and it is just not there. One of the things that we discussed, your financial wizards have discussed, is that Kalispell had a couple of bad years and then this last year they had to raise their premiums forty-eight percent. It is better to take these small incremental changes and keep it solid as we can without overtaxing, but also without putting ourselves in the position that if we had a bad year that the health committee would be before you saying we need a forty eight percent increase.

Commissioner Brenneman – We obviously have a pretty good idea over the last number of years about how what claims are going to be, are we on line to grow that. Just hoping for good year after good year is a farming fallacy.

Susan Nicosia – We had a couple of really bad years. The county in '03, '04 and '05 raised the premiums, and this year we are just happening to have a lower than expected claims right now. It is something to think about.

Commissioner Hall – It was your department that was one of the ones that was high in the past.

Charlie Johnson – Are we talking about workmen's comp here?

Susan Nicosia – We are talking about group health insurance.

Commissioner Hall – What about the safety inspector position that we had talked about earlier. Is this the time to talk about that?

Susan Nicosia – Let's go through the basics and then. Just look at your personnel and consider where you want to be, and we are talking about priorities. We are in a mood where we are adding or not. I throw that out there because to me it is not a given that the commission automatically will add in any raises into the permissive medical levy.

Commissioner Hall – Remind me, if you would, the contracts that we did with our department heads last year. We gave them I think was it 2.8 average per year increase.

Susan Nicosia – I don't know.

Commissioner Hall – Who was here for that? We had put together the contracts with the department heads, they were two or three year contracts. I think we put in those contracts a cost of living average that we would also. Do you remember what that was?

Charlie Johnson – I thought it was, and I could be wrong, but I thought it was based on what the county was given. Like we give to all of the other employees that the contract people receive also. I could be wrong.

Commissioner Hall – I could not remember.

Susan Nicosia – In the cost of living index that the county uses, that comes from the University of Montana, is not available yet.

Commissioner Hall – You are expecting that to be what. 2.8 or 2.7 something like that.

Myrt Webb – It is going to be about the same. I think if you look at inflation figures, they are not out yet.

Susan Nicosia – So know that my little basic 3 percent would not be enough. If you are looking at a cost of living and steps and longevity, all the things that go into your salary schedule for your 470 employees. It would be light. That is why I put out there, because I did see the memo saying perhaps we should forgo raises, to consider, and it was on Mart's memo as well.

Myrt Webb – When you have almost five hundred employees three percent is a lot of money. It may not sound like a big percentage but it is a lot of money.

Susan Nicosia – The cost of living would be in addition to these other things. That is why I just used a basic, this is it. When we get the cost of living index than we can plug it into our salary schedule, and say okay this is what your contracts say, this is how people would move or shift, or longevity increases all of those factors that go into your employee pay. This is what you are looking at in new dollars. Best case scenario we would that we would cover that. That is why I am showing you that within your floating, even if you used, went to the maximum.

Commissioner Hall – What is the maximum.

Susan Nicosia – It would be about 700 thousand dollars. Based on a four percent increase in your tax value. It does not take long for that to add up. When you consider resulted in 1.4 million dollars in salary and benefits in that wage package. That is tax 101. No major windfalls. Hopefully we would be holding our own. Status of this year's budget. These next sheets have resources available, that are the resources that we currently have to meet our obligations. In the general fund when we set up the budget we had approximately 2.3 million. We are at 2 million dollars at December 31<sup>st</sup>. We have collected approximately 55 percent of our taxes across the board. This is what we anticipated in the general fund, that because we are using the one time cash infusion there. We fully anticipate that poor fund that your tax is in, this is where we anticipate being. Now remember for the bulk of these funds this is the money that they are going to operate on from now January through May. This December column might look a little high, but this is revenue at its highs. Let's put it to you that way. Road fund you will see an increase from 1.4 to 1.9. Our total revenues in that fund were 52.8 percent. Expenditures were 34.3. We, and since Charlie is here, we hammered on these department heads that just because it is in the budget does not mean you can spend it until the tax money comes in. The majority of your department heads held off on capital outlay and really watched their cash position along with their budget position. Charlie did a great job in controlling that. We have not even transferred in the half a million from Pilt yet, and it looks good. He pulled back he watched that. I have to say they did a great job of doing that. Bridge fund is just exactly where we anticipate being. Revenues are at 56.2 percent, and expenditures at 46.2 percent. Combine with that the road gets to use their gas tax money, which is only for materials, they have received 51 percent of their revenue, and their expenditures are at 56.2 percent. So they can balance their cash flow in the road fund and bridge with the using the gas tax money to be materials. They did exactly what we asked them to do. Weed fund, you can see that the balance is up a little bit. Our revenues were 53.7 percent. Expenditures were only at 25 percent but they have not spent any of their capital outlay money. Like I said most department heads honored our request to hold off major spending if they could. Don't buy the truck, don't buy the things that you don't absolutely need until the tax money comes in. So we see that the fair fund was down to pretty bare bones. We had a minimal reserve there 218 thousand. Now we are at 421 after the taxes came in. Our county fair revenue is doing great. They are at 78 percent at 508 thousand dollars in collections. Last year they received about 600 thousand. This year they anticipate 650 thousand. That requires them to really hustle and promote events, and stay on top of it. They are doing that. Overall revenues in the fair fund are at 63.6 percent. Expenditures are at 46 percent. Again they have held off on some of their capital outlay. They have not transferred their fifty thousand dollars to the land purchase fund, but I believe you signed an agreement and that will have to be done here shortly. That will all impact that. District court cash available resources at June 30<sup>th</sup> were 780 thousand. Joe that is because when the state took over we had a healthy cash balance there. We have not levied in this fund for the last four years, but we are still responsible for some expenditures, 10FEE expenditures. We are down

at 623 thousand, we fully anticipate that. We will probably be down to about half a million dollars. Hopefully we can fund next year's budget without a levy, because that levy will have to come out of our floating mills. If we can't then previous administration had planned on using some of that money in the building fund, pull some of that out. I recommended that we not do that, because then we would just be levying sooner. Our district court fund revenue is at 29.6 percent. Our expenditures were at 35.9. As of December 31<sup>st</sup> we had not made the transfers for the bailiffs and to Justice Court sheriffs, retirement and health insurance. I believe they have been posted now. I did go back and review the state reimbursement, and it matches within like five hundred dollars. We are tracking that. The main thing in the District court is there have not been any civil jury expenses as of December 31<sup>st</sup>. The comp insurance fund, that is where we pay our comprehensive liability, and we did post all that back into the fund, we started the year with 373 thousand, we are finally back in the black at 70 thousand dollars. Our expenditures are at 85 percent, because our insurance is due July 1<sup>st</sup>, and we pay a hefty bill. Our revenue is at 57.7 percent, that is fully what we anticipated. We know that we would be floating that fund. The parks fund, maintaining its own. 60,985 to 62,032. Our revenue is at 41 percent. Our expenditures are at 41 percent. Right in the same ballpark. Again he has not purchased his capital outlay items. They definitely got the messages that don't spend money unless you absolutely had to. Library revenue is 52 percent. Expenditures 48 percent. You can see that resources available are down just a bit. They do make there year end transfer into there CIP fund, so that is anticipated. Planning you are going to see is up. Resources available are up about 80 thousand dollars. We are 58.4 percent of revenues. Expenditures are at 33.1 percent. Our Planning fees are ahead of schedule, about 62 percent. We had not transferred to the CIP or purchase to car. Which is while you will see, and all of the positions have not been filled, there is some vacancy savings in that fund. Health fund, we will talk about that one more in-depth. Resources available at the beginning of the year were 565 thousand. Now with tax collection 668, only part of that fund is tax supported. Half of there revenues come from charges for services. The Health fund overall revenues were 51.6 percent. Overall expenditures were at 40.7 percent. You can see that it varies. Health admin was 50.2 percent, sanitation 43, community health nursing 59, well child 1.6, and debt service 20.4. In terms of the revenues, the subdivision revue fees are at 98 percent of anticipated, septic tank permits 73 percent, and immunization at 60 percent. That is one of those funds along with planning a lot of outside sources. They are not just reliant on there tax funds. In here we have the debt service payments for the health building, because Myrt put it on the agenda somewhat separately about maintaining the health, the health of the health fund. One of the things that we want to talk about is the county has a 1 million dollar debt limit without a vote. For the Health department, the original loan was about 550 thousand, because the fund is economically feasible to do so and they have the money to do so, we had budgeted that they pay extra principal this year of sixty seven five. This loan is at a high rate of interest. It varies from 4.59 to 7.5 something, I have it in my audit report. Through December 31<sup>st</sup> we had paid 63 hundred and eight dollars in principal and 12 thousand five hundred and 31 in interest. We of course have recommended and it was put in the budget this way, to pay down on that principal. To pay a couple of years worth, one to free up debt capacity for the county, but also we are earning about two percent on our money. It does not do us any good to have larger reserves in the health fund and then paying five percent to use this money. To the extent possible we have looked at paying some of that down. It was budgeted to pay extra principal. One of Mr. Russell's projects he was going to transfer another 170 thousand dollars on his budget to his CIP fund. That project is not going to go through, and Mr. Russell suggested that perhaps he could use that as well to pay on the debt. To help the county. To put us in a better debt position when we try to build this next building. That is the basic line item about keeping the health fund healthy, but addressing the debt issue. Do you want to add anything?

Joe Russell – No, we three met and we think it is in the best interest of the county to do that.

Commissioner Hall – Are we not going to address Plan 22 60, or are we going to address that later?

Susan Nicosia – Did I skip over 22 60. Oh, emergency and disaster. The county did levy of course to provide for the 2 mills in the event of an emergency and disaster. What we had was the tail end, Sixty four five that we had left. Now we have our tax collection is 190 thousand. The goal would be that at the end of the year we would have approximately two mills in revenue. In the event of disaster, fire, whatever, that we are in a financial position to pay our two mills. Sorry it is one of those basic funds.

Commissioner Hall – It is okay. Revenue and expenditure percentage for that?

Susan Nicosia – Yes. Revenues are at 58.3 percent. There have been no expenditures. Most of these fund, EMS your basic EMS revenues are at 55.7, and expenditures are at 27.6. The special EMS, that was started this year, there have not been any expenditures yet. They had budgeted to wait until the tax collection came in. That is fund twenty two seventy three. Currently there revenues were 49.7 percent, resources available 107 thousand. That is the program that was voted on through Mr. Russell's office. AOA twenty eighty, revenue is 49.2 percent, taxes 55.6 percent. At this time we have not received any state general fund. Program expenditures are at 46.3. It looks good. 4H extension, last year was the first year, I believe in twelve years that you had a county extension agent. We had to raise the mileage to cover those costs, your contract with MSU. Revenues were 52 percent, expenditures were at 30.6 percent. Because the 4H position was not filled, our contracted salary obligations were 61 thousand 272 and we had only paid out ten thousand seven, but there is kind of a billing lag. It did not included November and December. That fund is fine as well. The sheriffs fund, if you look at twenty three hundred we started out the year with only 582 thousand. There reserves had been pretty well depleted. When you look at this million seventy five figure, now at December, they are finally back in the black as of November. They ran in the red for most of the fall. We knew that was going to happen, because if you only have five hundred and eighty two thousand with the size of there budget and the staffing there was no way we were going to cover it. We knew that we would be floating. Probably by the end of April they will be back in the red, until we get tax collections. They did have to go through with there patrol car purchase. That money actually had not been transferred out of this thousand seventy five yet. So that looks a little misleading. It looks like they have a lot of money but they really don't.

Commissioner Hall – What are the expenditures on that?

Susan Nicosia – Expenditures were at 42.8 percent, and revenues were at 51.6 percent. Retirement fund pretty much equaled distributions throughout the year. Revenues were at 53 percent, expenditures were at 43.8. Some of the savings there would be reflected by the fact that we held off on hiring some of those positions, and there budgeted for the whole year. I am sure that will probably catch up by the end of the year with some terminations and other things. Group insurance, and this is the special revenue fund not the trust fund where we pay the claims, this is the fund where we pay the counties portion to the trust, we had revenues of 40 percent, and expenditures of 42.8. It is not on here, resources available, but our fire service area we had revenues of 66.2 percent, and expenditures of 41, with a balance of 64 thousand. They did purchase the vehicle as approved, but there was not a transfer yet to the CIP fund. It is not on here because it is fee assessment and not a tax, I am trying to just give you an overview here. Transportation was a new voted levy, you had it but they had not had a levy previously. You can see that they are about where they need to be as well. Juvenile detention we had split out from the sheriff's fund. They of course were running in the red, and they will because there was not any cash balance to start with, but we knew that. Overall the basic summary we are exactly where we thought we were going to be.

Commissioner Hall – do you have all of those averaged out behind you totals? That is fine if you don't.

Susan Nicosia – We are running about fifty percent. Fifty percent through the year.

Commissioner Hall – Good job Susan.

Susan Nicosia – So, with that, what I need the commissioners to start thinking about are your priorities. What you want to see accomplished in 2006. Myrt had listed some objectives, like building reserves, and all tax supported funds. Both of them mind that you don't tax just to save. We knew that some of these funds would be in the red, but that we would catch up with tax collections. Maintaining that tax flow, paying off the debt service, looking at what the county can easily accomplish, and personnel costs, and providing funds for identifying building needs, Myrt had attached the office building, and talking about the growth policy effort. What I need each of you to do before we meet again is to think about where you stand on maximum taxes, or increasing taxes, and what you believe the priorities of the county should be. Such as personnel, building, debt service, growth policy, where we need to put our resources. If we have that upfront than we can go to the department heads and say, this is the feeling of the commissioners. I am not going to send out the green bar sheets early on and say go ahead and say okay fill in what you need, that was the old budgeting method. We need to be able to say, this is what we are projecting, this is what you have in place for salary and personnel costs, and this is the direction that we need to go, what are your priorities. The county spends about 45 percent of all of our funds for salaries and benefits. There is not a lot of wiggle room there. Last year we balanced the budget by taking out the bulk of capital outlay from the rest of these departments. I think the road department is budgeted for a new grader for about the last three years. It just automatically gets crossed off. At some point they are going to say that we need that grader.

Commissioner Hall – Next time we schedule a meeting we need more than a half of an hour with you.

Susan Nicosia – I beg for time. I plead. I just wanted to give you a basic overview. Kind of put some of these ideas out there, and say how do you want to get started. I would like to meet again the first of February. Then I can go to the department head meeting and say this is the direction we are going.

Commissioner Brenneman – I would like to come and meet with you before that.

Susan Nicosia – Okay.

Commissioner Hall – You need to be sure to, whether it is the tape, or Myrt to relay, even our conversation today, to Michael Pense and the administrator. He is coming right in to the middle of this thing. That is not good. We need to update him.

Susan Nicosia – Certainly. Myrt and I have already talked about. Is there anything, before you go on to your next meeting, is there anything that you need from me, or any questions that come to mind now.

Commissioner Hall – we do need to continue the conversation. Maybe I will meet with you privately too.

Susan Nicosia – I want you to start thinking on what your priorities are.

Commissioner Hall – We were actually prepared to talk about some of that today, but we can continue this conversation. I think that district court, the potential of that having to put together a couple of mills for them, I just don't know what is going to end up happening. When will we know?

Susan Nicosia – When the big bill was written, the counties fought to keep there clerks of court. They said no, you can't take them. It did free up some mills. Gary, we are using some mills, that we used to fund district court with, o other things. The problem is going to be making it fit again. It is no problem with district court, it was, when we gave up our revenues, and they said okay we will take the...

Commissioner Hall – Give it back to you in entitlements.

Susan Nicosia – right. Then we have to make it work. We have been using that money.

Commissioner Hall – Now, the state could at any moment say we are going to use that money.

Susan Nicosia – No, they can't. It would require a 2/3 vote to overturn that entitlement program. It is a statutory appropriation. With a hundred a twenty seven cities and fifty six counties we feel that there is political clout to keep it intact. It was an agreement with the state. A trust thing. We do have those expenditures, and we will need to finish them. That is why we did not raid the fund to begin with.

Commissioner Hall – I see as a, I will just say this to you and we will talk about it later, but the building and the sheriffs needs are two of the pressing needs that we have in Flathead County right now.

Susan Nicosia – The sheriff is right at, well it is a voted mill levy in 1984, they voted thirty mills, we have levied out 29.17, which gave just a little bit more of a cushion than you went in the year with. At some point that will have to be voted. It is important to, along with Myrts cost study, what we are looking at, and will look to with Michael Pense, is what are we doing with the resources we have. We are not going to institute zero based budgeting. Gary mentioned that once. We are not going to start from square one. The department heads are really going to look at that, and say what am I doing with the resources I have. Alright, Thank You.

#### **MEETING W/ CHARLIE JOHNSON, ROAD DEPT**

Present at the January 18, 2005 11:00 A.M. Meeting were Chairman Hall, Commissioners Brenneman, Assistant Webb, Road Department Superintendent Charlie Johnson and Clerk Moser

General discussion was held relative to a four way stop proposition in Columbia Falls, Speed limit for Riverside Drive in Creston, MDOT safety improvement money disbursement, and future criteria for new paving.

#### **MEETING W/ STATE OF MONTANA DES RE: HOMELAND SECURITY GRANT 2004**

Present at the January 18, 2005 11:30 A.M. Meeting were Chairman Hall, Commissioners Brenneman, Assistant Webb, OES Director Alan Marble, Clerk and Recorder Paula Robinson, Finance Director Coleen Baars, Sheriff Jim Dupont, Kelly McHenry,

Randy Feller, Gary Mahugh, Les Schlegel, Kay Quine, William Boyd with KRCM LEPC, Allison Melicke with KRCM LEPC, Zach Bradley with Flathead County US&R Team, over the phone Dan McGowan with State of Montana DES, over the phone Sherry Lands with State of Montana DES, Jack Kovacch with NWE LEPC, and Clerk Moser.

Assistant Webb – I can bring everyone up to date on this at least as much as I understand. Several months ago we sent in a grant for homeland security fund or 2004 grant. The state responded back with several corrections they wanted us to make. The chief issue being radios for the sheriffs department. That we should have radios in this grant that would be compliant with the northern tier communication system, and that was not the way grant was written. Since then, as far as I know, that issue has not changed, and we still have an issue with that grant and we still have an issue with the radios. Originally I had asked the state to come up here but because the airport is closed, they are not able to be here. We do have the sheriff and OES here. What I would like to do is get the state on the speaker phone is the best we can do right now.

Commissioner Hall – Is there someone from the state here right now?

Assistant Webb – No

Assistant Webb – So we can let them explain their views and then we can listen to OES and the Sheriff, and get some guidance on which way you would like us to go on this grant.

Alan Marble- For clarification which grants are we talking about. Are we talking about citizen's corp, are we talking the law enforcement grant, or are we talking about the community preparedness grant.

Commissioner Hall- Which one had the northern tier.

Alan Marble- That is the law enforcement grant.

Assistant Webb we might as well go ahead and get started. Go ahead and let Alan and the Sheriff talk to us, and get these guys later. They called and said they could not get here.

Commissioner Brenneman- Do you know which grant. Alan asked which grant.

Assistant Webb- I don't know. I know there is a grant we put in for homeland funds. There is an issue about radios. Now you know everything that I know.

Alan Marble- I will give you a quick overview.

Assistant Webb- This is called the office of domestic preparedness homeland security grant program.

Alan Marble- There are three grants that were out of ODP or 2004. Citizens Corp, Three hundred thousand and some odd change. Law Enforcement, which was a detention and deterrence grant, 4.6 million I believe. Then there was the general preparedness grant which was the balance through out the state which was 15 million and change.

Commissioner Hall- Our share is?

Commissioner Brenneman- How much was the first one.

Alan Marble- I can get you those exact numbers. I was not going to speak on the other two. The citizens corp one is that one that is basically administered by a committee at state level, that comes back and gives attention to whatever programs that are given. One would be the community response training. So that one has kind of been sector'd out and set aside. So whoever is doing CRT and meets those requirements that's what that is. The Law enforcement grant is the Northern tier grant. That is the 4.6 million. That is a grant administered by the crime board and still an 80/20 split. The only difference is a consortium is formed to the north and one was formed to the south.

Commissioner Hall- We are included in the Northern.

Alan Marble- Yes. I believe that 11 counties and 3-4 tribes. I don't remember how many tribes.

Commissioner Hall- It runs all the way down the highland.

Alan Marble- Correct. That money was deterrence and prevention money. What happened is the state chose to..... All of these are statewide grants. What happened is it is 30 percent of the Northern tier project for that particular grant. That was the MOU that you signed. That MOU went into this pot for this consortium. Actually what is was every county signed it, it went into this pot, then 30 percent of all the states money went into this consortium.

Commissioner Hall- It was kind of hard getting everybody to sign it.

Alan Marble- That is another issue. That is more relevant to the other side. Because I am not the administrator to the law enforcement one, so I am not 100 percent sure of the mechanism they went through. But that is the correct mechanism as every county then is supposed to do an MOU. I believe we signed one. Didn't we sign one sheriff? I know we signed a letter of intent and then I believe we signed an MOU. So what that means is that 30 percent of that 4.6 million is set aside for special projects. Which were then awarded by the state. X amount to the northern tier and x amount to southern tier. Then there is the prevention or the preparedness side of it. Which is about 15 million, and that again is throughout the whole state. One of the things that took place is the state is withholding 30 percent of that money. If you remember from previous documentation we had talked about this, they told you we would receive 4 thousand less on our side then we did we received four thousand less. What we are talking about is thirty percent of the overall money, so we are talking about almost three hundred thousand dollars, that is taken from our split. You have to understand that each one of these grants are 80/20. 20 percent to the state 80 percent mandated to come local. We lost 30 percent out of our local preparedness money the year before. That is when we talk about the four thousand difference. 30 percent again this year. What has happened to that thirty percent from the, I will call it the response side, is that I don't know that that has been specifically rewarded. It is sitting, quote, unquote sitting in a pot. We were allocated for Four thousand short of the four eighty four. So out of that we lost thirty percent of our money. So you can take that back which would be around six hundred thousand. So that has been taken out by the state to be allocated somewhere. That also has to be done by MOU, which has not been done by MOU, which has to be originated from the original county, stating where that money can be used and then sent back to the state. That mechanism has not taken place yet,

although the withholding of the thirty percent has. Now the crime board administers the law enforcement grant who has been chose to administer, the body is the local emergency planning committee, the LEPC. That who has always done the response side of this. That left the preparedness side with this money. I can only speak briefly on the law enforce. Talking to the crime control board. I am back on this other grant now with the law enforcement. Thirty percent of there money went to fulfill the consortium. The local money, the eighty percent that is supposed to come to the sheriff when that is divvied out, that was taken and put into the northern tier. That amount of money is about 1.2 -1.4 million, somewhere around there. Then to be divvied out be this consortium. That is what happened to the local money on the law enforcement side. The local money on the response or preparedness side, which would be this four hundred and whatever thousand, than is looked at and allocated by the LEPC. We have written the thirty percent off, although that has not officially happened, because we were awarded the four hundred and forty four thousand, whatever it was. That thirty percent still needs to be cleaned up with an MOU, and one sent to the state with the thirty percent that can go with the northern tier. What the LEPC did than is they proceeded on there side of the grant. A couple of things that happened on our side, meaning the response side is the LEPC charged with looking at fire EMS Law the whole nine yards. Making sure our community than is prepared to respond to them. The LEPC goes in and weighs any consideration that comes into them, such as where we are at. More importantly the LEPC has been the body that over the last three years has been orchestrating where this money goes to prepare the community. They are the ones that filled the grant out did the preparedness, and talked to the different groups.

Commissioner Hall- we should ask Dan can you hear Mr. Marble and myself.

Dan McGowan- Yes I can hear you.

Chairman- Okay. Mr. Marble has just explained to us the law enforcement grant portion. Thirty percent going to the administration and eighty percent put into the northern tier. Just explaining the three different grants. Citizens corp, the general preparedness and then the law enforcement. We are trying to get sorted out what is going on with that whole issue. That is where we are at right now.

Dan McGowan- Maybe I can just do a recap for you. If you will bear with me for a second. So that we are all kind of on the same field. I want to start out by saying that this call, and I am sorry we could not get up there your airport was closed, is just an assistance type of a thing, we do this with all the counties, with all those that apply for grant. When we go through the grants we have three things in mind. Number one is as the state administrative agency we have to make sure that the grant applications meet the grant eligibility requirements in everything that is put in the grant application. Number two we have to make sure that on the progress of it that we have the information for the progress that helps us justify to ODP what the money is being used for and what kind of progress has been. That all goes back to a lot of the ODP grant guideline and all those thing of what these grants can be used for, as well as what was put out in the application package for the specific grant. The whole overall global perspective that is looked at for this is from an audit standpoint. As a state administrative agency we have to make sure that whatever is done will meet the muster of and audit should we get audited. I want you know that this is just a service to provide here, because this is not uncommon for us to talk to the grant applicants to make sure that all the t's are crossed and all the l's are dotted. So don't feel that Kalispell is singled out in this process, because we work with all the grant applicants on a daily basis. With that said I will just start at the top a. Sherry Lands is here in the office with me. In case we have any specific questions. She maybe able to add some clarity based on some of the questions you may have based on the statements that I am going to share with you. First of all, lets start with the 2003 progress report for August thru December. The reason I am starting here is because we have to make sure that previous grant material and reports are all in place before we move forward with the next grant cycle. In the 2003 progress reports, the first thing that comes up is in the progress reports it does not really tell us in any kind of detail, which ODP requires, of what has really been accomplished. It merely lays out in the July report that here it says here is a table of the grant award amount, the reports dates, and the status, then just says submitted. It does not in that reporting format tell us what has been accomplished. Then when you get to the December report it just says that the funding expenditure have been for laptop computer LCD video projector and seventeen thousand to the GIS department. Again not telling us under what part of the grant what was accomplished. It is very brief. When you go back and you look at the actual expenditures for the 2003 that Flathead county submits, if you look back to September of 2003 thru November, then there is December of 2003 all the way from September to June of 2004 it says personal. The interesting part about that is that there was fourteen thousand dollars expended for personnel that came out of '03 before that actual grant was out on the street. It came out in January, yet the worksheet for the '03 supplemental says that personnel from September 15 of 2003 to November of 2003 and personnel in December of 2003 there was close fourteen, fifteen thousand dollars for personnel expenses expended, and the grant did actually come out in 2004. That when it starts, is personnel January of 2004, then it says thirty two hundred dollars. The thing from an audit standpoint that rings a bell there is that how come that money was put out before the grant was even done. Of course as you will know when you look at this from a federal perspective the word supplanting comes right to the top of the list, because supplanting is not allowable. We could all end up in a place where we don't want to be if supplanting is happening. That is the first question that comes out in those two facets, because number one the reports are not detailed to tell us what is happening, what has been accomplished, how it is working in with what was submitted. If fact the one report for July is strictly the table. It does not tell us anything. That is the first thing just with 2003. Of course the question about personnel services, I don't know what has been accomplished there, and some personnel were paid for, according to you spreadsheet, for transactions before the grant was ever released. I think you can understand the concern there from a state administrative agency about that specific issue. As we move to the 2004 grant the priorities that came out of the grant from the state administrative agency, You have to understand I have to give you a little bit of a preface here for this, is that all of the submission for the initial strategic implementation plan for the state of Montana, for the 2004 grant was approved by the governor and submitted to ODP and approved by ODP, the priorities were listed in that for the state of Montana. For example, One of the priorities was interoperable communications, then what the sub grantees responsibilities is to go back to there own local strategic plan and so okay for interoperable that is the first priority for the money to be spent. How are we going to apply our strategic plan for interoperable, and how are we going to implement that. That should be the first on the list. If you look at 2004 there were five things on the list in 2004 in the grant application package, which all jurisdictions receive. Number One was continued planning management support. Number two priority was to continue training support. Number three was continued exercise support. Number four priority was the continued support for the interoperable communications plan. Number five was continued response equipment support, In that order. If you look at the number one Planning, Planning is okay, that is how we will go down the list is in that priority, because that is the order of priority in the application package. There is no questions about planning. However, under training there are a couple of things. Number one under training it is listed that they are going to put on an R211 course, and there are two other courses listed, but the R211 is not an ODP approved training course. Any training courses put on by the grant money, according to the grant eligibility requirements and also it was listed in the application package, need to be ODP approved courses. ODP will not allow any money to be spent for any other courses, except what is approved by them. The two classes that were listed, the awareness class and the 225 for law enforcement are okay. The R211, I don't have any idea what that course is and it is not an approved ODP course that is not one that would be eligible. Unless there is some other justification as to how that is an ODP approved course and what it is, and how it would all tie in. ODP would actually have to approve that course before we can allow it to eligible. The second part under the training piece, is that there is nothing listed under backfill under page three Number C. The funding requested for training, it is all under training course and



program develop. However they say there is probably going to be some backfill. What we need to have you do is, if you think there is going to be some backfill than you need to put some anticipated amount under backfill of ODP will not allow it. If it all goes under training course and program development, than that is where it has to stay. If you think you are going to have some backfill give us an estimate of what you think that is going to be, and take it out of the number C on three C, the twelve five hundred and split it out so we know how much is backfill and how much is training. That is all for the training piece. Under the exercise, Number 3 point in the application package. The same thing applies as far as the backfill and the overtime under number five C, in the training component is we need to know if they say there is going to be some backfill, about how much do you think it is going to be. The thing I would like to bring to your attention, under that specific point number three with exercise is that it lists there will be six exercise, understand that those exercises have to follow the ODP specifics, which the training exercise managers worked on here with the district reps to hopefully make it simple for the county. That also according to ODP is going to require six after action reports for the corrective action plan. I guess the question there is, there is fourteen thousand dollars there and we wonder is that really going to be enough, we have a real feel of what it takes on to do exercises, but in the narrative it does not say what kind of exercises that they are going to do. It just says six exercises. Radiological it just says full-scale, full-scale and then there is a functional, three full scales, and two tabletops. How far is this fourteen thousand dollars going to go, if you are going to augment this fourteen thousand dollars with other funds to get those accomplished. That is great, but let us know, because we are expecting fourteen thousand is going to cover all six exercises and there will need to be six after action reports. That is really questionable if that can really be accomplished. That is just a clarification piece is all. If you move to the six b which is the project enhanced interoperable communication. It says on there that they are going to develop a flathead county comprehensive interoperable public safety radio plan. That included first responder agencies E911, the PFCP, and the northern tier that clearly identifies that meets first responder interoperable communication equipment needs. The first thing that comes to question there is what really is going to be done. Is there going to be an implementation plan written, or what is going to happen with that? The Northern tier interoperability assessment identifies the scope of what needs to be done in Flathead with the trunk system and what needs to be done there. We are really unclear as to what that statement under four B interoperable, when it says interoperable public safety radio plan really includes. Is it SOP? Is it an implementation. There is about three thousand dollars there for that specific planning effort. I am not really sure what that is. That still needs to be clarified. On 7B where it says outline interoperable communication...

Commissioner Hall – Can you hear any of us Dan?

Dan McGowan – I can not really. Who all is in the room?

Commissioner Hall – Alan and his cohorts and people from his office, the sheriff, Colleen, Paula, LEPC is here.

Dan McGowan – okay good. I can hear you really well when you speak.

Commissioner Hall – Alan, go ahead and respond.

Assistant Webb – He is not quiet finished yet.

Commissioner Hall – Okay Dan go ahead and finish up.

Dan McGowan – The other thing is if you look at seven B at the interoperable it just says that the new communication equipment under the '03 grant and request under the '04 will provide encrypted data voice and video capabilities to enhance Flathead Counties emergency services to communicate with each of the regional state and federal partners. There just needs to be some clarification there on what that really is going, what is the plan there. How does it tie into what was developed under the Northern tier with the assessment. That is part of the whole interoperable system for there in the county. If you look at the submission that breaks everything out, it breaks down to the equipment, and here is where some of the glitch comes in. First of all the equipment, it says interagency and cash. There is close to \$94,000 that is for this specific cash for interoperable. A couple of things come to question under that. First of all it says personnel accountability, and it says GPS system. How did the GPS system for 22,786 dollars, and it says interagency cash, fit in with your interoperable plan for the county? GPS has never been something that has been an interoperable piece. There needs to be some clarification there. The other thing is, and I can see where this might fit in, is this EOC antenna wireless signal. Just some clarification on that, that is like a 3,700 dollar purchase. Now if you look at all those purchases, there is the one with GPS that is a question, out of that 94.600 dollars, which is number four priority, if you go down to the number five priority, which in continued response equipment support. Continued response equipment support shows almost 340,000 dollars to personal protective. It has got detection decontamination, there is other equipment for WMD. There is also other authorized equipment. The question that really comes to mind there is that, if Flathead county, and because interoperable is number four priority and anything that get done should be done in the priority level, have you guys met your interoperable needs? Do all of the first responders have all of there applicable radios and so forth so that you can fit into what is being done with the trunk system in Flathead County? It shows us on the chart that it is all in cash. That is where the question comes up is, has the interoperable plan through the LEPC, with the sheriff, and the fire and Law and EMS and all those folks, do they have what they need to have as far as equipment. For us to say that priority number five, we are going to throw and say approve 340000 dollars on number five priorities before we know that number four priority has been met for all the first response agencies. According to that grant application we are not allowed to due that, for the application package that has gone out. A couple of the thing that come out under the number five priority, which is the other equipment is first of all there are three service agreements for authorized equipment. I see one says ground control, that says satellite communication. The other one is 6D team member, which I believe is paging, and there is a satellite telephone response, which one and four I don't know if those are the same thing. There needs to be some clarity as to do one, three and four tie into the interoperable communication system above, and how does that tie into above. There is no tie there that tells us it is for the interoperable piece that is requested above. Along with that crises response telephone and some of those things. The one that largely sticks out it Number two under the other authorized equipment it sums maintenance contract for authorized equipment, purchased through ODP grants, and it is Flathead county contract employee for some 145,000 dollars. Personnel services, county employees are not authorized under that number five, which is other equipment to be purchased under the grant guidelines. I think you can see the disconnect there, and that is only question is, is interoperable, are you guys done with interoperable. Does that 94,000 dollars that you want to put into interoperable for the questionable GPS, I don't know if ODP is going to approve the GPS unit, but that does complete your interoperable picture. If it does than we will move it down to the number five priority, which is other equipment. If the number four priority is not met, according to the grant and the ODP guidelines and the grant application, and the state administrative agency, we could not authorize you to move into the number five are for other equipment. That is really the question, because we are tied into the northern tier and what is going up there, and those kinds of things. We need to ask you that question. We need to see the justification where if the interoperable is complete in flathead county than by all means we can move to the number five priority. If it is not and the radios are not there for the first responders, the sheriffs office, and EMS, and For Fire and law and all those, in hand, the handhelds, so that the interoperable thing on the day to day works it shows us right now it is just in cash. Cash to me means that when it comes time for emergencies you break out the cash and get everybody a radio. Those are the main points that come out of the grant. The

other thing that comes under direct purchases, I need to draw your attention to, is that the exercise training, there is not narrative established with those direct purchases. It just says personnel expenses, and it says items included but not limited to salaries, benefits, per diem mileage, computer copy expenses for 12,500 dollars. We don't know on that whole sheet, based on the direct purchases, there is a management administration function, a planning function, another emergency preparedness planning function, one is interoperable, one is emergency preparedness. There is also exercises and training. They all say to salary and personnel. Is that one person? Is that six people? We need to see how that all fits in. Again the supplanting thing comes into question. The real thing that comes into question under that is the justification for the training computer. We can not buy just general office equipment underneath the direct purchases, according to the ODP guidelines for the '04 grant. Under the '03 grant we know by the grant that there has already been a desktop computer, a portable computer and a video projector purchase under the '03 war supplemental. There has been no other counties that have been awarded two computers according to the grant, because they have already gotten one under the '03 war supplemental. Under the direct purchases portion, there is two thing there. Number one we have to be careful that we don't supplant. There is personnel functions spread throughout five areas. We don't anything narrative wise that tells us what is going to be done there. One person, six people or how it is going to be done. Plus we see in there that there is a computer in there when the county has already purchased a computer under the '03 war supplemental. Those are the major issues as we go through the grant that need to be clarified. The first thing I guess that to really be clarified is the '03 piece in the reporting, because we can not move forward with '04 until '03 is cleaned up. We want to work with you folks to make this successful. We are not trying to put a stop to anything. We are just doing what we normally do with all grant applicants to help them through this process so that everybody understand. So we can get it correct with the grant applicants so it will meet ODP muster. It will meet the muster of grant eligibility requirements, and any SAA requirements that were imposed for the grant. So help us help you so that flathead county can be successful.

Commissioner Hall - Believe it or not I am tracking on this so far, but I want Alan to be able to respond back to what you have just said. Lets let that happen. Hopefully you can hear him okay.

Alan Marble – Dan, everything that you described there is very easily documented. It is documented on this side. What we are going to do is we are going to take a trip to Helena with our finance, with our grant manager, and all of our papers, and we will do a final audit and get '03 straightened up, of which I believe there is still about three or four thousand dollars your office has to award yet, it did not balance. We are going to meet with Lee Burg.

Dan McGowan – I know you are coming down to that Alan. That is good. That reporting in the personnel services that are on the spreadsheet, that all needs to be clarified. Then that will be good to get that cleared up.

Alan Marble – We already have that clarified on our side. We will just bring whatever information. What you are talking about is pretty well. The main issue that we are talking about here is the difference between '03 and '04. What happened in '03 is we were told, and this is one of the primary challenges that we are having. So forget anything under the '03. The '03 is going to be audited and cleaned up. Lets move on to '04. On '04 the states priorities and the local LEPC priorities were not necessarily the same. For one major reason. That is we chose to address interoperable communications, of which we do have a plan that we will bring with us. The interoperable was addressed in '03. That was in conjunction with local funds in regards to a trailer. It was not only cash in there. It was the interconnectability of all this stuff. I am not going to take up everybody's time here but we certainly go over every nut and bolt when we get there. The problem is that in '03 when we moved ahead on interoperable communications, we did that because we told that hospital decon and our medical decon would be covered by HRSA funds, by your office. HRSA funds never materialized. We have a large gaping whole, number one, in our decon plan, of which we submitted before.

Dan McGowan – Alan can I clarify for a second? Our office does not have anything to do with the HRSA funds. That is through the public health and human services and that where that needed to be clarified with on how those fund were going to come down. Point of clarification before you go on any further.

Alan Marble – The point of clarification from you is that we are sitting on some stuff that I will share with you that says we could not get decon equipment for the hospital because that is where it was going to come from.

Dan McGowan – The thing to understand is, and if I can interject for just a second is that, in '03 and in '04 on the grant packages that went out, I understand you statement about the LEPC priorities versus the state priorities and that was my point earlier. The state has set the priorities for the funding. We set those again this year. It will be a little bit of a twist because of the decrease in funds, but than you needed to go back to your local LEPC plan, or your strategic plan and say, interoperable is at this level at the state now we need to take our interoperable piece and finesse that. That is the first thing we do. The next priority in the grant was than the second thing down the line. You go to your strategic plan and say in our strategic plan how do we finesse that one, because that is the second priority on the statewide system for the use of the grant funds. That is where the main question comes up about the interoperable piece, because there was money, way more money 300 and some thousand put into other equipment and only 94 some into the interoperable, and it shows interagency cash. A lot of the other counties are purchasing the P25 compliant radios for there sheriffs, police chiefs, and the law enforcement officer, and EMS and all that. That is where that clarification comes from.

Commissioner Hall – I guess the question that is in my mind, and one of the reasons we are having the meeting today, all of that other stuff aside, it is good to have that as part of our education, is kind of the difference between the sheriffs office and the OES office on purchasing those interoperability radios. Is that where we are at here?

Alan Marble – Essentially, but it is not the OES office it is the LEPC offices priorities in our strategic plan. It is all tied together.

Commissioner Hall - Okay it is all tied together. Like I said I think I am tracking, but really all we are doing is trying to figure out how we can get some radios for the sheriff, and what Alan is doing with this particular law enforcement grant. My other commissioner Joe Brenneman has a question. I will probably have to say it to you.

Commissioner Brenneman – Dan can you hear me?

Dan McGowan – Yes go ahead.

Commissioner Hall – Are the any other plans in any of the other counties or what are the plan for this interoperability radio system. You are saying if I heard you correctly is the cash has not been approved in any.

Dan McGowan – What I am saying is. Let me share this with you. There are not any other counties that are meeting their interoperable through an interagency cash.

Commissioner Brenneman - Has anybody tried it?

Dan McGowan – {no response to the question} The Lewis and Clark demonstration project with the trunk system, that is going to tie into the northern tier in that backbone thing, they are using the money, as well as all the other counties to buy the radios for their first responders because that is part of their interoperable plan for the entire county. That is the main question here is that the plan in Flathead. I think it is because the sheriff is represented on the Northern tier for that backbone and the repeaters and all those kinds of things in that trunk system. Has Flathead met what is part of the plan that came out of that assessment that was done as part of the Northern tier interoperability project? Do you guys have all of the radios that you are supposed to have, or that the plan calls for. That is the main question, because we don't know that that has occurred. In your spreadsheet it says that the purchases are going to an interagency cash. I don't know if, Jim Dupont do your officers, I mean Gary just made the comment that what your trying to do is get the officers radios, do you guys all have your radios and things so that that fits into the interoperable picture in the communication plan in Flathead County. Is the trunk system complete that was identified in the assessment. Those are some of the things that come to light.

Jim Dupont – Obviously the trunk system is not complete. It is not supposed to be done until the end of the year.

Dan McGowan – That is why if you look at the grant application for '04. The first three priorities we are okay on except for those few little things that need to be clarified as training and exercising. The number four is interoperable. If the system is not complete and the first responders do not have the equipment that they need to be interoperable, then we can not jump to priority number five, which is other equipment.

Alan Marble – Dan, Let me take you back interoperable. It is fine word, but when you define it, and when you cross it over to the northern tier, the northern tier is a layer above local communications. What takes place is any radios that are purchased would go digital, and that is fully understood. In this county we are talking 5.2 million dollars to change everybody over to the Razoo system. The point is we are interoperable now, with our current radios between all agencies. All agencies can talk. We are interoperable with any agency that comes in here based on the state plan. We have gone over the interoperable with our mobile command unit, that we even shared local funds with, that we knew we had a need to meet. We met that in '03 with the ability to talk to our state and federal partners. We do not have a problem here communicating between services or radios. The northern tier will not change that. It will only bump it to digital. As a Matter of fact the Northern tier is specific in the documents on the net that it is a layer above and that is how it operates. As far a meeting interoperability, yes we have met, yes we can all talk. More importantly it is an ongoing process where we will take that million dollars, that it takes to replace everything and, we will move ahead of any agency in our interoperability plan. I was hoping that Martha would be here today. We have an MOU in there with all agencies that ties all agencies to replacing their radios to P25s when they do do it so this system can go ahead. Right now we do not have 5.2 million and you don't have it to give to us. The point is with our satellite communications on down to our van, it is very similar to a FEMA VRV unit, if you are familiar with those, we meet interoperable communications both on telephone, transmission of data so forth and so on. We chose to meet that in '03 money and continued on to '04. One reason is because we could not meet our decon needs. Our biggest need in our community, which I am pretty clear on the grant and everything else, the state needs may not meet the local needs. We have to protect our critical infrastructure. Our critical infrastructure is not protected because money did not come from HRSA. We have responsibilities to fill some of those holes. We are pretty straight forward with how we looked at it. The LEPC has looked at this numerous time. We are more than willing to keep striving and have documents submitted to everybody that says we will meet the P25 and we will keep moving ahead. Right now unless somebody wants to cut a check for 5.2 million it becomes who gets that first. The LEPC had an emergency meeting prior to this one and they reclassified exactly where they want those priorities to meet the needs of the community on the preparedness side. I am not talking Northern Tier. I am not talking the law enforcement side. One of the things that concerns me a little bit is that the northern tier went ahead and did their program. I am going to tell you this from an emergency managers perspective. FEMA increased the wheel for home land security. We went from mitigation to preparedness response and recovery. We have now increased that wheel to include deterrence and prevention. All of those deterrent and prevention funds, which our local law enforcement was supposed to get their hand on, and hopefully give us that intel, so we don't have a repeat of the towers, that all went to communications. I have a flat tire on the prevention and deterrence side because there is nothing that law enforcement, or anybody can do. I don't have a problem with the communications. Communications, every agency in this town can talk to each other. Now with the current forward command post we have, or secondary EOS, we can talk to aircraft overhead on the skies, we can talk to the FBI, we can talk to anybody that comes in here. That is what Martha conveyed to you. Our biggest priority here right now is not interoperable communications. It is protecting our critical infrastructure, and our responders, which we could not meet because of '03. It got set aside. I stand to lose the hospitals now if we have an episode and they are warned and they shut their doors, they have no means to decon, no means to do anything. We have compounded our problem. This has gone through many many groups to prioritize this stuff.

Dan McGowan – Let me just back up a little bit. I understand what you are saying about your local LEPC priorities and those kinds of things. However, one of the other priorities in the county was the interoperability piece, and the trunk system and all that with the northern tier. Since that has not been met yet, with the grant guidelines, and maybe I can give you a little bit of pressure relief valve here Alan, is that that specific piece is a priority in '04 over what you put down for number five over the other equipment. In '05 with the grant application the prioritization, like you say in the county, with your decon equipment and that kind of a thing, is you are strictly going to go to your strategic plan. So say what pieces in our strategic plan are we going to be able to fund, and to we need to fund and prioritize those with the '05 money. We have got an agreement there that the specificity from the '03 and the '04 applications for the local level money is not going to be one of those pieces, and in the law enforcement and terrorism prevention part that is going to be a competitive component. It is going to be a little bit different story in '05. In jumping back to '04, the main question comes back to that the Flathead county and so forth are part of the northern tier and if it is not tied into that then, and I understand no county is going to get the whole chunk, the 5.2 million, it is a little by little. The whole statewide system is a little by little. As grant monies come forward, and that interoperable is a priority not only on the state basis out of '03 and '04 and so that is where those grant monies need to be directed to. That is why we can not jump to number five even though that is a priority like you say on you LEPC with decon and all that. We have to make sure that interoperable, according to the grant package and the guidance that was agreed to with ODP under the initial strategic implementation plan follows that specific pattern. That is why I bring up '05, because in '05 you are going to have the opportunity to do some of those other things that you mentioned based on the funding that is there and available for you to prioritize within your county what are those things in your strategic plan now with the money that is available, do you want to prioritize and move forward with.

Alan Marble – Well obviously we are going to prioritize and will take it to the max to protect our individuals. We feel we have met our interoperability requirements.

Dan McGowan – In the '04 the grant package is there, the priorities in the grant package are out, and we have to follow those grant guideline. For us to be able to move down to number five, if you can show that you are interoperable and that trunk and everything with the northern tier and the agreement that is with the commissioners with all of those counties across there, is

trunked in with the sheriff and all of those people, than yes we will move to number five. The real question is, has it been met, is it tied into the northern tier, is all of that through the assessment that was done on the northern tier for interoperable, has that been met and so forth. If it has we will go to number five, if not we have to say that money really needs to go to the number four priority, and how are you going to use that money to further advance interoperable in Flathead County for interoperable communications.

Alan Marble – Again we are back to mixing apples and oranges. If you refer back to the website, which everybody is welcome to look at, which is the northern tier project, it very clearly states in there that this is a layer over and above local communications, and it gives the sheriffs the ability from dispatch to talk to the wolf point sheriff, and say how are you doing by radio.

Dan McGowan – I understand that Alan, but county commissioners all across the north agreed to be part of the northern tier, and part of the interoperable is for those counties to be able to tie into the backbone system. That is what that whole assessment was built on.

Alan Marble – Are you telling me that local convention radios will not tier into this trunk system? If you are then you need to go back and change the website because the explicit that overriding system would accept all overriding communications just the way we are sitting.

Dan McGowan – That is part of that system moving forward. That was the number four priority in the '04 grants. I guess the basic foundation point is that if number four priority, whether it is completely met or the money has gone to make that next step to getting us even closer to meeting that, has not been done we can not justify jumping to the number five priority. That is something that between LEPC, the sheriff, and with the commissioners that if you want to justify, you can justify that the '04 is completed with the interoperable and the money that you can use with the '04 we can jump to the fifth priority. We can not go to the fourth priority to the fifth if the number four has not met, and I agree. You may not be able to with the money even complete the number 4 priority. However the saving grace is that in '05 that priority is going to be up to you prioritize. If you want to put more money into interoperable or whatever things in the county, according to the LEPC you want to prioritize that money for. That is just what came out in this last rendition of all of the joint subcommittee meetings to say okay for '05 how do we want to set the grant requirements out and based on ODP and what they have for the counties, and be able to use that money. I think it is a real win win situation all around, because we do see a reduction in the funding. Granted not any county probably across the state, except for Lewis and Clark that went out and found other grant monies, is going to be completed with there interoperable piece.

Commissioner Hall - Dan, we need to wrap this up. I know you have more to say Alan, but Mart to you have anything for Dan?

Assistant Webb – No

Commissioner Hall – Sheriff Dupont do you have anything?

Sheriff Jim Dupont – No

Commissioner Hall – Okay, I think now this is coming back to a local thing here we need to work out. Do you have anything last thing to wrap this up Alan?

Alan Marble – No. I just want to make sure that the one thing, for clarification are you saying the state can set the local priorities on the eighty percent? Is that what I am hearing you say?

Dan McGowan – That priority that was set in the grant application, that is correct. Then you go back to your local strategic plan and say okay the priorities for dissemination of this money is 1, 2, 3 now lets take a look at those areas in our local strategic plan and see how we are going to use the money for those priorities that are laid out in the grant.

Alan Marble – Are you willing to send a document to Flathead County that says that you shall put interoperable communication first. In your grant application....

Dan McGowan – It is already in the grant application what the priorities are for the agencies to receive the money under that grant. It has been in all of them, '03 and '04 and the '05 is being developed. In the '05 what I was referring to you is that there is a little bit of a different twist for the counties specifically to just to there grant, there LEPC and your strategic plan to prioritize those other things.

Alan Marble – In the grant Dan it says should. It is very carefully worded, and it is worded along with the federal stuff. Remember that as grant administrator I have to follow both federal, state, local, tribal, whatever. It is very carefully worded in there, it says should. One of the things that we had some concerns about, besides the fact are needs with this community are not going to be met by going with this pie in the sky thing here. We already have met our interoperable communication, and we will be able to interface with the northern tier, done as prescribed on your grant program.

Dan McGowan – Let me close this way. If you look at actual grant application under the '04 grant under number five continued response equipment report it say note, "since this is a fifth priority a jurisdiction must include with there application information that clearly indicates that they have adequately addressed the first four priorities before requesting equipment other than interoperable communications." That is what I am saying is it is in the grant application. So if you can show that, and I hope that the representative that you have from Flathead County that is part of that northern tier board has been a part of all of these conversations because of the agreement and the tie in with the northern tier, than that is the documentation that we need so that we can further progress and process the '04 grant application. We have to get all that stuff cleared up first.

Alan Marble – We would be happy to provide that.

Dan McGowan - If we need to come up and have another meeting. My apologize we just could not get up into the airport today. We would have been there in a heartbeat. I don't have any problem flying up there to meet with you folks. That is just part of why we want to see you all be successful.

Commissioners Hall – Alan has one more paragraph out of something that he wants to read, and then we are going to wrap it up.

Alan Marble – We will be happy to document it to whatever length you would like, but you would have to define that, or we would be happy to come over there and meet with you and take you right down to the nuts and bolts. That is not a problem. That has

been well defined on this side. One of the things that concerns us, and one of the things that we looked at is state, and this is what went to you folks, is state SAA's, and this is from homeland security, it is from Susan Mentzer, and it specifically talks about mixing and matching these grant. "States and urban areas are reminded that the 2004 guidance states clearly that the transfer of fund among grant program, eg: Homeland security program, the Law enforcement terrorism, and the citizens corp, is strictly prohibited. We are going to be real careful that we add to what the northern tier does but we are certainly not going to be driven by what we do by the northern tier. We have carefully laid this out for over a three year period now to meet these goals. We would be happy to share them in detail including our interim interoperability emergency communications emergency response plan. This is not a simple subject. We would be happy to sit down and take it item by item and lay it all out. I realize this is not something we can decide here. We are certainly happy to meet and present all of the documents and exactly where we are in time, and we are getting our information.

Dan McGowan – Let me just say that, I don't think it would do us any good to meet down here, because we need to have the players involved. It is much easier for myself and Sherry and Martha to come up there and meet. I guess I would say that, what needs to be done is that you need to go back to the grant application packages, and to what is written into those, just like the number five note that the county must show that. Also from commissioners standpoint you need to look at that memorandum of understanding that you are a part of the northern tier, because that is a big piece of this too. Let's get the '03 stuff clarified and get that taken care of. I think Alan said they were coming to meet with Dan Leberg so that we can get that one taken care of.

Commissioner Hall – we have one more comment and then we are going to wrap it up. We look forward to seeing you guys up here.

Alan Marble – This is in regards to us not meeting our requirement yet to provide you an MOU on our thirty percent, on the homeland security side. The only thing that has been signed has been the Law enforcement preparedness side.

Dan McGowan – I don't know what you are talking about. I don't have a clue on you thirty percent. I don't have a clue what you are talking about.

Alan Marble – I will send it to you. I will not take up anybody else's time. Thank You.

Dan McGowan – That is fine.

Commissioner Hall – Dan, Thank you for your time. Appreciate it.

Dan McGowan – More than welcome.

Commissioner Hall – I think we have gained on it a little bit.

Dan McGowan – I hope you understand that we want to see you be successful and we will work with you and work through this thing.

Commissioner Hall – I believe that. Alright Dan, Thank You.

Dan McGowan – You just have to follow the grant guidelines and make sure everything meets the muster of the audit, otherwise we will all be sharing the same cell behind someplace else.

Commissioner Hall – Alright. Thanks so much.

Dan McGowan – Thank you folks. Have a great day.

Alan Marble – The only thing I need in the transcript is that last statement he made. That he will follow grant guidelines. Where we are at, and where we are headed is, and what these people all represent in one form or another representing different groups is, we met as an LEPC and said we have got a problem here if we are going to transition everything to digital, which was the 5.2 million. What we have done is to make it viable is we have studied the northern tier, the northern tier is to be compatible with all communications, both analog and digital. More importantly we have, going through the different services ie we are talking a hundred twenty pieces of fire apparatus at least, and that is not counting station radios, that is not counting whatever, and then you have got the EMS side whatever, what we have done, which we did not do before in this communications plan, is we have said that if anyone replaces equipment than it needs to be P25 compatible. That just means that it is digital. That way, over time we can bite this bullet, unless a C130 fly's over and happens to drop 5.2 million, otherwise there is so much disparity that it does not even make any since. More importantly the interoperable communications is the ability to talk to each other, and we have that in this county. What we don't want to do is lose that by some other super system over the top.

Commissioner Hall – Does the sheriff has that capability also.

Alan Marble – Probably more so than most, because they have sixty four channel radios and they switch back and forth. That is not to say that this does not need to be addressed. What we need to be careful with is that we do not mix and match these grant number one, but we move ahead and meet our basic needs, communication. It was discussed at length at the LEPC, at the fire and EMS Tech meeting, is where is all of this money going to come from. We just have to make sure that when the northern tier part comes in that they meet there side of it, and that it is with analog and other the other communications to take it in.

Commissioner Brenneman – I have a question. The LEPC came up with this proposal on how you find in your mind that this met the requirements of the northern tier interoperable.

Alan Marble – Northern tier is a totally separate system.

Commissioner Brenneman – The question that he was raising in his number four, is that he has certain requirements her referred to as interoperable requirements. If I could use that fraise we will both understand what I am talking about. You came up and you said here is our plan to meet that requirement. Was there no way you could have taken that to the state and said, here is our plan, is it going to work. As I understand it we now have bought the radios, we have the cash, we have the system that might very well meet the requirements but, from his perspective...

Alan Marble – His perspective is lay perspective. Everything we have bought has been P25, everything crosses over and meets the Federal standards.

Commissioner Brenneman – Certainly the paperwork they have gotten for information at this point does not come close to verifying in their mind that it has met the requirements.

Alan Marble – Some of that comes from information that the under sheriff, and if you read the grant request, stuff that Chuck had relayed to the state SAA, when in fact Chuck did not know and has not been involved in some of those meetings of where we are at. The state took all of that basis based off of what Chuck said and the northern tier..

Commissioner Hall – Is Chuck a part of the LEPC?

Alan Marble – No. Mark Meehan is.

Commissioner Brenneman – I would like to hear from Sheriff Jim Dupont.

Jim Dupont – I think the whole thing comes down to interoperability and what does that mean. I think that the state's determination is that it means P25 compliance in all your radios period the end. That is what the northern tier is doing, is switching it to P25. That main trunk system should be done by the end of the year. We are still going to have communications. I agree totally with Alan that we have a good communication system, but it is not P25 compliant. It is it P25 compliant today, certainly not, does it need to be P25 compliant by the end of the year, certainly not.

Commissioner Brenneman – Can we meet our state requirements and not be P25 compliant? You hear the same thing that I was hearing from him.

Jim Dupont – Sometime I feel that I am getting put at odds with OES and I am not. I am saying if we are not going to get the damn grant lets buy the radios. That is my personal opinion. Do we need the radios this year, certainly not. I have got seventeen year old radios that I have got to start replacing in my office. Mine is a small intricate part of everybody else in this county obviously when you look at fire tire trucks and ambulance. The cash certainly works for an immediate offense to it, it does not work for the daily wham bam. I don't think you have bought five hundred radios.

Commissioner Hall – I think that several months ago when I first got involved in this the concern with Chuck was, there is not enough money to replace all of the radios in Flathead County, in your office alone.

Jim Dupont – certainly not. We still have not gotten, from the management of the consortium, we have no clue as to how much of that money they have already ripped off of us, is going to go to mobile communication systems, other than the trunk system. There is money there for radios. I don't have a clue as, after the last meeting I don't have a clue as to how much money there is.

Commissioner Hall – Even if it was a yearly process where you replaced a half a dozen or a dozen radios per year for awhile.

Jim Dupont – I think Alan agrees with me is, his interpretation of this is interoperability meets P25 compliance, period the end.

Commissioner Hall – That is what I picked up too.

Jim Dupont – I don't give a damn if we lose the grant. Lets buy radios. Don't let the money go away.

Alan Marble – The P25 part of it is the replacement part of it.

Commissioner Hall – Right.

Commissioner Brenneman – It sounds as if we have some other real problems, besides this interoperability. We need to get this paper work into these guys. Even if it means jumping through hoops that you don't necessarily agree with. That is the way, at least as I understand it works. We have '03 stuff that you are going to go down and take care of. If you can address all of the other issues. I have a list of here of, I think two pages. We have stuff in training that he does not understand. You have documentation hopefully.

Alan Marble – It says AW and it is supposed to say PER2.

Commissioner Brenneman – Number exercise backfill, I don't even know what that is for sure, but he does not like the backfill. This makes sense to you I hope.

Alan Marble – They want us to take a swag. Sure we can take a swag. We stated in the above statement that we don't have a clue, but he wants us to put a little number in there.

Commissioner Brenneman – He wants a clue.

Alan Marble – Than we will put a little number in there. It may be a real swag because all of the exercise that we have here are little and regional in nature, which he does not understand either, because we have had our big ones, and met those requirements. These are all now taking the five agencies law enforcement, public health, and working in a little sector here and drilling, and working in a little sector over here.

Commissioner Brenneman – How soon can you have him happy on everything except this interoperable thing.

Alan Marble – About as long as it takes us to load our documents in the truck, drive over to Helen and sit down with him for two days, and hand him a piece of paper, by piece of paper. If they want us to write it again, we will write it again, because we can just copy and past. We have all of that information. It is all straight forward. It is all a matter of record. One of the things that I am being really careful is meeting all of the requirements because that is what my responsibilities is as a grant administrator, to meet the fed, the state, and so forth.

Commissioner Brenneman made a **motion** to take all information under advisement. Chairman Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**1:00 pm – Commissioner Brenneman is to attend a meeting with Clarice Ryan**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 19, 2005.

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**WEDNESDAY JANUARY 19, 2005**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**7:00 AM – Chairman Hall to attend the Jobs Now “Flathead Economic forecast” meeting at WestCoast City Center.  
9:15 AM – RSVP meeting at Windward Way**

**Chairman Hall opened the public comment on matters within the Commissions’ Jurisdiction,**

Bruce Ruby – I live in Somers. I had a concern about this growth. With this growth is light pollution. It I kind of personal in a way, because I am with the astronomy club. It is getting harder to find viewing sites. That is what got us down on this light pollution thing. We are wondering about chasing down individual problems, but that seemed to be a large task, so we were wondering about a county land ordinance for lighting. Not to knock people on the head or turn the lights out, but to actually provide guidance and education on the proper lighting to use. The proper lighting would be shining down, and or not on your neighbors property. The night lighting, dark to dawn, they can use those, but motion sensing would be a good one. With the ordinance hopefully we could address billboards also, or service station islands, again the light trespassing, and the popular mercury vapor lights. Actually if you use the proper lights to it is more economical. You can use less watage. I do have a packet here for you just to start.

Commissioner Brenneman- this is a good example of the light installation in Lakeside.

Bruce Ruby – The guy did that all on his own. Ordinances are not new. They are throughout the country. I do have a list of them in the country. Ketchum Idaho is a good one, which is close to us. Arizona is completely, have an ordinance. I guess that is about it. I was just hoping to tickle your ear a little bit.

Commissioner Hall – Are you going to leave a copy of those ordinances’?

Bruce Ruby – Yes, I have this whole thing for you.

Commissioner Hall – I noticed that when you drive North on Hwy 93, the Home depot sight as the lights that shine up, and then Lowes have the lights that shine down. It is interesting because it is all dark above those lights at Lowes.

Bruce Ruby – I wanted to get some pictures, but I did not have time, but I can. Lowes you are lit up in the parking lot, but you get back and you can see over the parking lot, which is nice. There are others, like Gardners down south, you can see over his autos.

Commissioner Hall – Thank you for bringing this to our attention, I think that we will visit with our attorneys about it and see if it might be something we want to do.

**No one else rising to speak, Chairman Hall closed the public comment period.**

**MEETING W/ KELLY MCQUISTON OF REPRESENTATIVE REHBERG’S OFFICE**

Present at the January 19, 2005 9:30 A.M. Meeting were Chairman Hall, Commissioners Brenneman, and Watne, Assistant Webb, Kelly McQuiston, and Clerk Moser.

General discussion was held relative to Dennis Rehberg’s committee and subcommittee changes, gravel pit issues, and possible appropriation requests from Flathead County.

**TAKE ACTION; PERFECT WATER ESTATES**

Present at the January 19, 2005 10:00 A.M. Meeting were Chairman Hall, Commissioners Brenneman and Watne, Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to terminate preliminary plat on Perfect Water Estates. Commissioner Watne **seconded** the motion. **Aye** – Hall, Watne and Brenneman. Motion carried unanimously.

**QUARTERLY INVESTMENT REPORT W/ ADELE KRANTZ. TREASURER**

Present at the January 19, 2005 10:15 A.M. Meeting were Chairman Hall, Commissioners Brenneman and Watne, Assistant Webb, and Clerk Moser.

General discussion was held relative fiscal year 2005 quarterly county pool investment report, public administration, and possible solutions to collecting outstanding delinquent taxes owed to the county.

**10:30 a.m. County Attorney meeting at County Attorneys Office  
12:00 p.m. Commissioner Brenneman DUI Task Force meeting at The Summit.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 20, 2005.

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**THURSDAY, JANUARY 20, 2005**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**Commissioner Watne PT opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Watne PT closed the public comment period.**

**MONTHLY MEETING W/ RICHARD STOCKDALE, ANIMAL CONTROL**

Present at the January 20, 2005 8:30 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Assistant Webb, Animal Control Director Richard Stockdale, and Clerk Moser

General discussion was held relative to December monthly statistics, Field Activity Report, and the State euthanasia Permit,

**MONTHLY MEETING W/ JED FISHER, WEED/PARK/MAINTENANCE**

Present at the January 20, 2005 9:00 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Assistant Webb, Weed/Park/Maintenance Superintendent Jed Fisher, and Clerk Moser

General discussion was held relative to Mosquito Legislation, LC1125 Legislation, Project requests, Smoking area, painting projects, current maintenance projects, blizzard bowl, and grooming projects.

**MONTHLY MEETING W/ ALAN MARBLE, OES**

Present at the January 20, 2005 9:30 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Assistant Webb, OES Director Alan Marble, and Clerk Moser

General discussion was held relative to river ice jams, communications van,

Alan – I am kind of disappointed in what transpired here, and some of the accusations. We are back to that favorite word again, which is my failure to get along with people, and my cohorts that I bring in here. I represent the three cities. I represent the county, and I represent those organizations. Personally I take offense to that kind of language coming back. If that is what he feels than get on with the business of firing me for my inability to get along. I tell what, I work with a lot of groups, I represent a lot of groups, and more importantly I represent this county. I want that on the record. I have a balancing job, to keep a lot of groups happy. The last thing they are is my cohorts. I wish they were, my life would be a lot less painless. What he did was fire with a response that went back to Mahugh through these whole groups that are all involved, we are talking fifteen hundred some odd people that are involved in the decisions that I make, and what I do. I don't always agree with them. Somehow they think it is all of my philosophy. No, if it was my philosophy it would be a lot easier. On top of that I have grant restraints, and I gave you a copy, I don't think you have seen it. As you are well aware June 1 is my last day, and I am going to work for the Feds. This kid is not going to jeopardize myself in regards to the feds. Now that they are in a current trend of putting state officials in jail, with a two hundred and fifty thousand dollar fine, I am not going to get caught up in that. Louisiana was the proud owner of the first one. That is what I showed you the other day. You saw that one about mixing and matching grants. The grants are totally separate and I am not going to be in the position to, these are separate grants that are administered separate ways. I am fully, if you want to take me out of the grant administrator role, happy man, I am gone. It is a complex process, with a lot of stuff that goes through. Political issues can not be added in to this. This stuff is cut and dry, it is black and white. There are certainly some questionable things being done at state level, in regards to mixing and matching those funds, Because of the two separate groups, and because of federal stuff. The only difference I know of right now is we are clean because the eighty percent stuff that we are doing does not tie into the thirty percent stuff where we are mixing and matching grants i.e.: the police terrorism with the preparedness grant. The overriding issue on these grants is to prepare the whole community. That is why they do not mix and match, because they want all basis covered to the best that you can get with the dollars that you get. Not one time products driven by whatever reason. I am not going to get caught up in that. I am more than happy to step down as grant administrator, make my day, because I am not going to be caught in the middle of it. I think what is important to remember is the fact that I have to represent everybody. I took personal offense to the cohort thing. I took personal offense to the part that I don't get along with individuals. I get along with everybody in different fathoms, depending on what the issue is. I deal with a lot of people. There is always a spin off. It is fifty-fifty, just like your jobs. Not everybody is going to agree. In that regards, if he is trying to use that as a basis to fire me, fire away, I am a happy man there too. It makes no difference to me. You know when I am leaving, and I am trying to do the best job for the county.

Assistant Webb – Alan can we stop for just a second. Are you in fact, tendering your resignation as of June 1 of this year?

Alan Marble – Yes.

Assistant Webb – Are you doing that right now?

Alan Marble – I told the commissioner that several meetings ago.

Commissioner Brenneman – Can we have a letter, or something like that?

Alan Marble – I thought the minutes would suffice, but I would give you a letter. I can give it to you.

Commissioner Brenneman – Then we know for sure that...

Alan Marble – It is in legal record. It is in the minutes, I made it really clear. You were there Bob.

Commissioner Watne – Yes

Assistant Webb – We still need a letter.

Commissioner Brenneman – So we do need to start looking for somebody to take over your position, as of June 1<sup>st</sup>.

Alan Marble – Yes.

Commissioner Brenneman – Than that is what we need from you.

Alan Marble – I have talked to different people in the different cities. My wages are not paid by the county. My wages are paid by federal. That is another thing to keep in mind. I take an oath of office. My job is to represent the three cities, and the county. One of the things that will take place when I do leave is Martha Smith wants to address you folks, in regards to what is best for



here. They know you are not going to get somebody that is going to fit the same mold I was at. Many on the response side, I mean the dollars just are not there. What you are looking at is somebody that can support all of these groups, and keep everything together, and it is a major concern. She will be up here to address you on that and the roles and responsibilities.

Commissioner Brenneman – I don't know Martha Smith.

Alan Marble – She is a district representative for DES. That has region one or what they call district one, there is about eleven counties, and she is our representative back to DES.

Commissioner Brenneman – Before I forget and I move on, you said you would be happy to step down as grant administrator. If you were to do that who would take over?

Commissioner Watne – It would be up to us to find somebody.

Alan marble – Remember you have a big learning curve. The only reason I am still here right now Joe, because I would have been gone at Christmas, I am still here to make sure we don't lose any money in this process and that the community gets prepared where it needs to be. I have been pretty straight upfront about that.

Commissioner Watne – yes you have.

Commissioner Brenneman – That is our concern too. If you are going to be disappearing.

Alan marble – I will not leave the county in a lurch. I was fully prepared to go a year, but I will not leave the county in a lurch, because there is too much money on the table, too much going and, and a lot of those federal monies are disappearing and going to different projects that involve all of these different groups and some pretty high prioritization on some stuff.

Commissioner Brenneman- Is it all right if I come by later this afternoon, and I can come by and ask some of these questions that Bob already knows.

Alan marble – you can ask me anything. I am pretty open.

Commissioner Watne – We have known for quite some time that he was going to jump ship in June.

Alan Marble – That was my drop dead date. I can not make it past June.

Assistant Webb – Now it will be official.

Commissioner Watne – Well it was before. Prior to your time I believe.

Assistant Webb – Can I ask a question? Alan, there is no use saying whose fault, who shot John, we still have issues with the state and these grants. What are you going to do?

Alan Marble – We are leaving Tuesday, and we are going over there in a little entourage, taking all of our records, and the reason we are doing that is because if they come here we can not access there records. There is a lot of questions we have on there side, and that whole speal that he went through was doting I's and crossing T's.

Assistant Webb – Well, whatever. So you are going to go there next week to resolve all of these issues.

Alan Marble – Absolutely, we are going over there on Tuesday, scheduled at 10:00. To meet with Dan Leberg, and resolve all of the '03 issues. Then the '04 issues for that grant we will resolve the issues on that application, and we will talk definitions and responsibilities, and who is going to be responsible for what if they want to make changes. We will come back with that stuff in our hand, in writing, so the county does not get caught crosswise on any of this on a federal audit down the road. However we are doing it we are under the hospices of the state. That way we don't have to worry about repaying anything. Talk is cheap, we need it in writing.

Commissioner Brenneman – Who all is going down?

Alan Marble – Myself, Kelly, Tina, and we are going to try and take Coleen.

Assistant Webb – That is a good idea, she runs the money.

Alan Marble – We want to make sure all of that is balancing, everything is straight. We don't intend on returning until it is done.

Commissioner Brenneman – Hopefully before June 1<sup>st</sup>.

Assistant Webb – There are issues that the commissioners need addressed. Please let's bring it back so that they can do that.

Alan Marble – Absolutely, we want to clean everything up.

Assistant Webb – It is not so little.

Alan Marble – Well yeah.

Commissioner Brenneman – You have to go through there hoops.

Alan Marble – What we have to do is say here is this paper, here is this piece of paper. I have gotten all of the others resolved. I am not going to leave any money lying on the table. The community needs it for preparedness. One of the things that we have to remember is that that eighty percent is ours. It is charged with us administering that to the best of the community. I will make sure that gets done. Any of those issues will come right back to you. You might even get some phone calls on clarification. We are going to be pretty straight forward about that. Like I said I wish Gary was here, because I am not very happy about the letter.

Assistant Webb – He will be back.

Alan Marble – He keeps using those words. I am to the point put up or shut up. I have had enough. My job is tough enough as it is, without that kind of stuff.

Assistant Webb – you probably should talk to him. That is who you have an issue with.

Alan Marble – I came and told him that the letter was coming that the groups were unhappy, and then I get his letter at seven o'clock at night. That even compounded the problem. Yeah I do have issues. The issues relate clear back to the moose fires and jobs of commissioner. That whoever comes in here gets real convoluted, it wasn't, but it gets real convoluted as to who is in charge of what. What the chain of command is, in regards to the Chairman. So you guys are going to have to address that issue so whoever comes in here that is clear. So you don't have your responders, and things going two different directions. You are well aware of what happened. My role and my chain of command are to the chairman in an emergency, than it goes to whatever commissioner I find. It gets complicated and you have to, that needs to be real clear.

Discussion continued on to the progress of the community wildfire protection plan.

### **PUBLIC HEARING: NATURAL RESOURCE POLICY**

Present at the January 20, 2005 10:00 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Assistant Webb, Charles Samuelson, Steve Funke, Dave Skinner, Gary E Hall, Clarice Ryan, Brian Peck, Rachel Potter, Mayre Flowers, Thor A Jackola, Joe Krueger, Rob Carline, Ronald Buentemeier, Fred Hodgeboom, Gina Klempel, Melissa Waggy, Planner BJ Grieve, and Clerk Moser

Commissioner Watne – opened the public hearing to anyone wishing to speak in favor of the Natural Resource Plan.

Ronald Buentemeier – I was chairman of the committee that this board appointed to draft the resource plan. I would urge the board to adopt the plan with instructions for the board that was appointed to make that correction, which the planning office had pointed out that we had made some errors. Some of them were editing errors that we thought we had covered, but were not. I would also like to point out that I believe that there is some misconception of the purpose of this plan. The purpose of the plan is a starting point for looking at all of the resources in the valley, the past, present and future, and an effort for this board to take an active role with the events that happen on all of those various resources. I don't think the plan gives any specifics, as far as direction, which some folks feel it does. It is just a basis for you guys to have some reference point, and to move forward. I think there are a lot of folks that misunderstand the purpose of it. It also is a requirement for you guys to formally become correspondence with, or an active part with the management of the national forest, as part of federal law. This plan gives you one of the items that you need to have that. I believe this board needs to be involved in that management, because it actively affects every one of the lives the Flathead County, which you ultimately are responsible for answering for. Thank you.

Dave Skinner – I live in Whitefish. I support the plan. Overall I think the document has been on the moderate side but there is a lot of factual information in there. I don't think you can argue too much with facts. I would want to emphasize to the commission that there is any number of examples in the appendix, federal opportunities for participation. The law says that supposedly the federal government wants local communities to have a say on what is going on. I think that is really important, because we have our forest plan revision coming up, we have new forest planning regulations starting. This is our window of opportunity. If we don't avail ourselves of it it is probably not going to be a good deal. One of the things I did notice in there is it is what they call a living document. It can be revised if new circumstances and information warrant. I think that is okay, we need some flexibility in it. The bottom line is that it should be implemented. The fact of the matter is that if the landscape is well managed than everything else follows. The question of the definition of well managed, of course when you have professional environmentalists versus the citizens of this county so you can figure that out. My expectation is we have fifty six percent of the county, and I expect it to be a well managed productive asset. Therefore I encourage you to adopt this plan.

Fred Hodgeboom – I served on the committee that worked on this document. I don't think any of us that have worked that document feel that it was a perfect document. We went into the planning board with it. I think most of us considered it a draft. I had hoped that as a result of the input that we got, at the planning board, that we would have had time to correct those editorial errors that were in there, that were pointed out. Then put out a revised document in time for this hearing, with the holidays, the demands of family and the time frame, we just did not have time to do that. The fact of the matter is, like Ron pointed out, this document is advisory. It does not require the county to do anything. It requires the county to get involved when the board of commissioners deems it beneficial to the citizens of this county to do so, in federal and state matters. As has been pointed out, this document is needed for a foundation of at least a general policy for the county, for the welfare of there citizens. Some of the criticism that we heard in the planning board, like I say some of it was really excellent and there certainly will be changes to that document for those that had merit. On the other hand we heard a lot of what I would have to call a hyperbole. You have people taking statements in there in the hydrology section. For example that states some support for dams and structures in some of our upstream. Then they say that the plan requires the county to support ridiculous things like, damming the Flathead River. We have a section in the plan on mild and scenic rivers that recognizes that everything single fork of the Flathead is already protected. How can the people come up with statements like that and expect to have any credibility. The fact of the matter is, our statements in there support existing programs, by the farm services agency, the Montana Department of Fish Wildlife and Parks, for wetland enhancement, wetland restoration, stream stabilization, and there are a lot of these programs that are collaborative efforts between private land owners and governments that are already in place. They are excellent, you should see one right over by the Creston green boxes. A wetland was enhanced there, and it if full of wildlife and waterfowl. I even saw a moose there. To take statements like that and extrapolate them through ridiculous statements, like the document advocates rampant disregard of the environment. I wish somebody who would get up in a public forum and make statements like that would have page numbers and paragraphs that support that. I don't think there is anybody on that committee that supports anything remotely close to that. This is a beginning, it provided a good foundation for the commissioners to get started on this proves of cooperation agency where necessary. I understand our county has already submitted a request to the forest service for cooperating agency status on the forest plan. I have not heard how that is coming along. We need this, and I would urge you to adopt it. The committee has been reappointed this year, and I am sure that we will be able to fine tune that document, and eliminate all of the discrepancies that are in there. It provided a good balanced overview of the natural resources. All you have to look at is the index to that document to see that there are only a few sections that deal with what might be called extractive industries. Certainly we need to cultivate the industries that we have, because all of the growth in the economy of Flathead County is very closely intertwined with those natural resources. We have maybe three times as many sections or five times as many sections on wilderness, on wildlife, on water resources, on scenery, on tourism, on the national park, so I fell that it is a very well balanced document. We appreciate the critique that improves that document and want to go forward with it. Please adopt it.

Steve Funke – Previously you had a meeting, with I believe Alan Marble and he was having a discussion with the National Incident management system, is that correct? That is another federal agency in which the county cooperates. Am I correct in that understanding? If I am then this is just another opportunity for the county to have a legitimate role in cooperating with another federal agency. From that standpoint along I think it is a net asset for this county to adopt the plan. It has some shortcomings possibly. It is probably going to benefit from some revisions and what not. Even, and after listening to the governors speech last night, at his state of the state address, he also recognizes that now Montanans as a community need to step up to the plate and take an active role in value added resource management. Without this plan in place our role in cooperating with a federal agency, that obviously provides those resources to us, is not going to be fulfilled. Therefore the adoption of the plan is a prerequisite to developing a better future for Montana. I would support adopting the document. Thank you.

Clarice Ryan – I am the secretary for the committee that has been working on this. I would like to reinforce the importance of natural resources. I think that our state has been, there has been a trend toward trying to wean us away from the pride and benefits that we had had in the past, of our resource industries. Custom and culture is really one of the purposes of developing this entire document. Custom and Culture is gradually changing as we see people coming in from outside and bringing with them high tech, and some of these other types of endeavors, the services and so forth. I think that we have to reaffirm ourselves of the importance of the resource industries. We have heard many many presentations being given upon showing charts, such as this of the steep increase in services, in government, in construction as people come in they are building homes and so forth. These are all dependent upon our natural resources of our country. Montana has always been a leader in the resource industry. Years ago we were the top in the United States, and now we have declined, because of the restrictions almost to the bottom. It is almost with scorn that these people are now looking at the resource industries, as not being growth. A wheat farmer knows that if he plants wheat this year he will probably plant wheat next year, and it is not growth industry, but it is a stable industry, and it is a stable economy. We need to respect that. We also need to realize that this can be done instead of, as a not only but also instead of a replacement. We should not feel that in order to benefit from the new growth and the new trends that are happening throughout the county of high tech some of these clean industries and so forth that everyone is so proud of. Those types of things can happen. We don't need to think, one of my interests in working on this plan primarily was the fact that Glacier Park is one of our greatest resources. What it has done is bring in millions of dollars of tourism who enjoy that Glacier Park. It is a resource that has been very beneficial. We can have that, and we can have tourism, as an addition to our benefits of having one of the best resources in the United States, or could have again. We need to also realize that this can be done and protect our environment in the way that we do it. I think almost all of us can point at different things that have been done in the past that were detrimental, in the past when we were not as aware of the importance of it. We are aware of the importance of it now, and we realize that many of these industries, like the timber industry can be more beneficial if we care for it through thinning and proper management, and stewardship, than if we just sit back and neglect it, and let it decline and get overgrown and so forth. It is our fires, and our destruction of these resources in our forest, and along with it our bears and our wildlife. We have to realize that the mistakes of the past are correctable. In the process of correcting them we doing a better job with the management of our environment, than to just neglect it and let mother nature take its course. I always have believed that God gave human beings a brain to give us the capability and the technology to do things right. Mother Nature was not blessed with a brain. Mother Nature operates accidentally and so forth. We can do a good job with the resource industries. The purpose of this whole organization, or the plan that we have put together, is to renew the interest, put down the facts and figures, get the knowledge out there and have the communication with those agencies which have been given the responsibility of protecting our environment, and protecting our economy. I would really appreciate having this plan approved. I would like to say one more thing. In the process of coming up with data and statistics, as I was researching data and statistic, I found that the statistics could vary depending on every source of information. They may not differ completely but even within one office you can get a different set of statistics. Those are manageable, you can try and get the most recent data, but we are trying, with this committee, to come up with data that will be of value in making these decisions.

Gary E Hall – I support this plan. I think it is fair and balanced. If I had any changes to make at all, I really can't suggest at this time. I dot hope that you pass this. Not only that you pass it, but that you actively pursue a course of obtaining cooperating status with the forest service. You need to have this plan in place to do this.

No one else rising to speak, Commissioner Watne PT asked for anyone wishing to speak in opposition of the Natural Resource Plan.

Rachel Potter – I want to thank the committee. They have obviously put a whole lot of time into this. My husband and I commented rather extensively in a letter to the planning board and I also testified at that hearing. I have another letter with just a few details. I am going to try to not be redundant here, I assume you have read those letters. I think having a county national resource plan is a wonderful idea. Our changing economy and certainly my families lifestyle, and others lifestyles are intimately dependent on our national resources. There dependent on the wise use and protection of clean water, scenic vistas, and other things. While there are a lot of great parts of the plan, in general it calls for outdated and scientifically discredited management for many things. Yes we have learned a lot in the last twenty years, but unfortunately this plan does not advocate those practices. In general what is called for here would lead to the degradation of our precious valley. There is a whole lot the county can and should do regarding national resources. A meaningful growth policy and related land use planning needs to be not only completed but enforced and supported, that protects our view and our clean water. We need to try and get tax policies and an open space program that will protect our family farms. We should be helping rural residents live successfully with wildlife, and to reduce fuels immediately adjacent to there homes. I came to the valley thirty years ago from an urban area, and the stars were tremendous. You don't see the stars here anymore. That is something that is within our grasp. It is something that we can do something about. You can see the glow coming from Flathead Valley from Kentla Lake. That is ridiculous. That is something, at least to me, maybe people don't care about seeing the heavens, but I certainly do, that is something we can do something about. The list goes on and on. This plan, while there is some great parts in there, it does little to address the things that we as a county can address. I think that you fellas as county commissioners are in a wonderful position to really do something to preserve these great parts of our county. As I have said there are some decent parts of the plan that are side by side with both recommendations for outdated management, as well as pure ideological statements. Since there are no references there is no way to evaluate anything. I was reading one part, there is this great part about the importance of wetlands, it is wonderful, I was thinking this was wonderful, and sure enough I pulled something down at it is from a good document. Then it goes on, and the definition that in the plan for wetlands is totally not, it would exclude many of our wetlands in the valley. It contradicts what this document explains can be, and that kind of thing happens throughout the plan. There is something good and than something that came from who knows where. I think the plan needs considerably more than minor tweaking before you approve it. I strongly urge you not to approve it and just say we are going revise it. If the county hopes to be considered as a respected and cooperating agency in the forest planning process, or else where, it really needs a thorough revision. Both a more democratic process where more people in the county, when things are not so short, more citizens can participate, as well as real professional revision is essential. I do think that we need a plan, but it needs to be something that protects the clean water and resources that are so important to our economy, as well as to our lifestyles.

Brian Peck – Thank you for having the public hearing and thank you for listening to everyone’s opinion on this. It seems to me that in developing such a plan that Flathead County probably want to achieve some of the following objective. First, a more formal seat at the table when federal and state land issues are being discussed. Second, a plan that is so legally and economically, environmentally and socially sound that the counties place at the table will be a widely respected one, not just a place holder at the table. Finally, the final plan should be grounded in the sound science that will protect the natural resources, wildlife, and quality of life that Montanans treasure, qualities that have already been lost in many other states. Sadly I believe the draft plan does not meet these objectives. It just gives the county a seat at the table. Fortunately by returning the draft to the committee for review and revision, which it sounds like that, is the intent, you have the opportunity to solve the current plans problems, and approve a document that will gain the county respect in land use matters. Here are a few suggestions. Change the documents overall tone. The current plan takes a decidedly, what I would call a rear view mirror look, at our forests, our economy, and world-class water ways. It often seems to long for the ways things were done in the 1950’s, rather than dealing with the resource, economic and environmental realities of the present and helping us get to a brighter future. I would disagree with some of the previous speakers. It seems to me that the current plan puts the county on record as favoring, not demanding, not ordering, not controlling, but favoring, dams riprap and levies and wild and free flowing rivers like the North fork and the Middle fork. Does it acknowledge that they are wild and scenic rivers, yes it does. Does it specifically exclude them from dams, riprap and levies, I have not run across that so far. That is a plan that was considered along time ago on the Yellowstone River, and it was pretty quickly discarded because it was outdated and would have damaged the Yellowstone. I think it would do the same thing here. Our pristine water ways are not only the life blood of the wild lands that they flow through, they are an increasingly important part, and a strong heartbeat of our local economy, we tamper with them in our economic, and our environmental peril. How does damming wild and scenic North Fork Rivers or other similar areas honor are historic custom and culture, I would suggest that it doesn’t. Under the draft plan Flathead County would officially favor turning the mining and oil and gas industries upon us, by the vaguely worded quote, “Elimination of unreasonable or unfounded barriers, prohibitions and impediments to mineral and resource development.”. In a state that just said no to cyanide mining for the second time, does anyone seriously think that Flathead County needs a birkley pit, a zortmin landusky, or coal bed methane wells along the banks of the Flathead, with corporations to put up the cash, tax payers to pick up the tab, and the Flathead aquifer to pick up the poisons. Finally the plan proposes to give the county a controlling say in areas of road access, rights of way, and defining wetlands on federal and state lands. All futile gestures in areas where the county may wish in controlled land management, but in fact does not. In conclusion, should the county government have a respected seat at the table? Should we encourage economically and environmentally sound forest management on public lands, should we encourage cooperation among all levels of governments, and should the property rights protected by the Fifth Amendment to the U.S. constitution be supported and respected? Of course the answer is yes to all of those. However, can we accomplish this by approving a document riddled with inconsistencies and errors, one that seeks a return to 1950’s planning rather looking to the future, one that threatens our streams, lakes, economy and historic quality of life, one which seeks not to cooperate with federal and state land managers, but to beat them over the head repeatedly in this document, for perceived transgressions? Probably not. I hope that after careful consideration you will agree that a document of this importance is officially sanctioned. Before it is it needs to have its numerous problems fixed through thorough review and revision, so that the final product is something to be proud of, and worthy of the county seal.

Mayre Flowers – I guess one of my first comments would be that I am not here to speak in opposition. I think that the county planning board recently adopted new public guideline which allows the public to speak to an issue and not necessarily for or against the issue. I think that provides an atmosphere that provides for the kind of reasoned and balanced comments that would benefit all of us. I would just encourage this commission to also possibly review your public participation guideline, and the merit of asking people to speak on an issue but not necessarily for or against it. We commented at the county planning board. Excuse me my name is Mayre Flowers and I am speaking for Citizens for a better Flathead. We recognize the significant role that a county can play in providing meaningful input into public land planning process’ and we support the county applying for cooperating agency status. We are not here speaking in opposition of that. The document before you today should provide a represent the kind of quality document that would show you that kind of place at the table. I think this was mentioned by the previous speaker, this document needs to go back and have additional revisions. One of the things in reviewing for this I looked at some of the appendix, which includes memorandum from the Council on Environmental Quality, which governs cooperating status, and it is part of the appendix of this document. In that it notes that it is important for you to consider you authority and capacity to assume the responsibilities of a cooperating agency, and to remember that you role in the environmental analysis neither enlarges or diminishes the final decision making authority of any agency involved in the need for process. It than also includes a set of criteria that you need to meet, or that the governing agency in granting cooperating status will consider in providing you that, and importantly it says one of the questions that you need to review is, are agencies willing and able to provide data and rational underlying there analysis or assessment of alternatives. I think one of the things that is missing from this current document is an appendix that list the current studies that are available here in Flathead County that have been to address the numerous topics covered in this document. I would recommend that that be in addition that you encourage this committee to consider. I have also included for the record a study that was done by the Center for the Rocky Mountain West recently. This reviews over seventy cooperative efforts going on in the rocky mountain west, where they are trying to bring community interest together to address natural resource policies. I think this has some valuable information for the committee to consider and for you as giving guidance to that committee on how they might further bring the community together. Finally, I am concerned that the Resolution of Intent, that you adopted and is the basis of this meeting today, differs significantly from the Resolution 1777A, which is before you today. In particularly I draw your attention to the Resolution of Intent says, “Now, therefore be it resolved that the board of commissioner for Flathead County, Montana, that it intends to consider adoption of the Flathead Natural Resource Plan prepared by the Flathead Natural Resource Committee and recommended by the Flathead County Planning Board.”. The Resolution before you today proposes that that become an amendment to the Flathead County Growth Policy, which was not part of your Resolution of Intent. The Flathead County growth policy and the statues governing that primarily address, and empowered counties to address private land issues. I don’t think that it is appropriate that this document be lumped under that, and that additional notice would be needed to provided to the public if that is indeed you intent to adopt that Resolution. I would encourage you today to go back to your Resolution of Intent and adopt that wording instead. I would also point out that I don’t believe that from a time frame, I spoke with Gary Hall yesterday, he indicated that you have made the application for cooperating status, it is not as I understand contingent on this document being adopted. You have already made that application, rather I think there is time for this to be sent back to the committee, and for the kinds of extensive public comments. I hope you will reference the comments that you have received, other than those orally today. This can be incorporated. I hear a willingness from the committee to work with that. I think that just as they are asking for cooperating status they need to also send this out for peer review for the agencies that they intend to work with. We as county residents will all be the better for it.

Melissa Waggy – I am a citizen of the Flathead Valley. I would just like to tell you a little bit about myself before I make some comments. I am a professional botanist, and I also teach biology at the community college. I volunteer with the community at Big Brothers and Big Sisters. I volunteer with the Dream Program. I am a member of the Native Plant Society. I attend church in Whitefish. I am a member of the Sierra Club. I am a member of the Montana Wilderness Society, or Association. The reason that I am telling you these things is because after reviewing the document I am not sure that this document really addresses all

of the citizens of the Flathead Valley. I am really concerned because it is heavy on talking about economics and high impact type of activities, rather than preservation. I don't hear a lot of talk about preservation in this document. I am also here today because I am kind of concerned. The holidays are a very busy time and I was away, and I just recently learned about this document. There seems to be some kind of rush on this document. I am surprised that you want to close the door on it today. I have worked for the federal government on NEPA project, and we keep public comment open for much longer than this. This is a very important document, and I appreciate the fact that the county commissioners are going to a lot of effort to create such an important document for the citizens of our valley. I am very impressed that you are putting this effort in. I think that we could produce a better document, if we take a little bit more time, get more public comment, more peer review. I have not even had time to find out whose input went into this. I would like to know what their backgrounds are. How many scientists, biologists, ecologists, professional civic culturalists, how many of them have put input into it? I am sure there has been a lot, I hope. I have not had time again, because there seems to be such a rush on this document. I am really concerned about this rush. I am not quite sure why you have to have it signed today, especially since one of our commissioners is out too. I am surprised because this is such an important document. Other concerns I have about it, again I have not had as much time as I would like to look at it, I would like more time, but just generally speaking, it seems heavy on economic values and high impact activities, which I think ultimately lead to degradation not preservation of some of our more important resources, especially water quality. I think there are a lot of problems here in the document that could lead to declines in water quality. Quality of life, we talk about some of the activities, but again I am not sure that the commissioner entirely have their finger on the pulse of their constituents at this point. I think that this document is maybe pandering a little bit to people with economic gain to be had from natural resources, rather than the quality of life here that our natural resources provide the citizens. Those are my general comments. The fact that there are quite a bit of mistakes in it, just typographic mistakes, tells me it was rushed. It is not a professional looking document. I think if you want to be taken seriously at the state and federal levels, and to have an important place at the table, I think it is critical that we produce a document that is squeaky clean and shiny, and has been reviewed by peers. It could be better, I just think it could be better if we take some more time. Just a few specific things that I noticed that I had concern with too that I would like to talk about. It is language like this that concerns me, under the forest management plan they want to base the plan on three things, sound science, economic decisions, and common sense. Aristotle, back in three hundred BC, was one of the first people to start systematically start looking at categorizing things in our natural world for that we used common sense to guide our science practices. Common sense told us that the world was flat. We know it is not because science has helped us to understand that. When pioneers came over to the Pacific Northwest common sense told us, there are so many trees here we can log forever without any problems. Science has since told us that that is not true. We can not use common sense in our decisions. We are not paying our politicians to use common sense. We can't expect a fifth grader to use common sense. Common sense is used to cross the road. We need people who are ready to make very tough decisions on complex issues. They will be tough decisions that in the short term might inconvenience some small groups of people, but in the long run it will help people, larger groups of people, and for longer generations. I am hoping that this commission is willing to make these kinds of tough decisions, based on science rather than common sense, because I think that the two are often mutually exclusive. I would like you to look at that kind of language in the document. I think it is common sense to look at it. Common sense tells me that this document is not ready to go. I think that the citizens of the Flathead really deserve a better document. I thank you very much for undertaking such an important document, because it is very important to the citizens. The other final thing that I will say specifically that I am concerned with, is that the whole document said that our government is by the people for the people, and of the people, and they thought it was best served by serving the local people. I think you need to understand that there are a lot of people, first of all I think that that is a really selfish ideology, because we have resources here that are important to the entire world. You don't have the resources you have in Montana everywhere. To totally look at them on a local basis is so inherently selfish. I think you need to understand that there are a lot of citizens in the valley who appreciate the leadership that the state and federal laws and regulations provide. This document seems to want to undermine those laws and regulations. I think you need to understand that our citizens here in the Flathead that would actually like to see some of those regulations actually revised and made better, rather than undermine it. Please take a closer look at this document. I ask that it not be signed today, that it goes through another review. I would like a chance to learn a little bit more about it.

No one else rising to speak, Commissioner Watne PT closed the public hearing.

Commissioner Brenneman made a **motion** to further review Resolution No.1777A. Commissioner Watne **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

#### **AUTHORIZE COUNTY ATTORNEYS OFFICE TO ACCEPT SERVICE: BATAVIA-KIENAS V COUNTY**

Present at the January 20, 2005 11:00 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Deputy County Attorney Jonathon Smith Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to authorize the county attorneys office to accept service. Commissioner Watne PT **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAX INCENTIVE/ANDERSON**

Present at the January 20, 2005 11:00 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Deputy County Attorney Jonathon Smith, Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to publish notice of public hearing and authorize chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

#### NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1501 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Margaret L. Anderson of Columbia Falls, Montana, seeking the application of tax reducing benefits to the remodeling and expansion of the building at 385 2<sup>nd</sup> Ave EN, Columbia Falls, Montana and described as Lot 1 and part of Lot 2 of Block 114 of Columbia Falls Add 2 to Columbia Falls, Montana. If the application is granted, the new construction will be taxed at fifty percent of its taxable value in each of the first five years after approval; in each year thereafter, the percentage will be increased by equal percentages until the full taxable value is attained in the tenth year.

The public hearing will be held on the **14<sup>th</sup> day of February, 2005, at 10:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Margaret L. Anderson.

DATED this 20<sup>th</sup> day of January, 2005.

BOARD OF COUNTY COMMISSIONERS

Flathead County, Montana

By: /s/Robert W Watne PT  
Gary D. Hall, Chairman

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser  
Deputy

Publish on January 25 and February 8, 2005.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: TAX INCENTIVE: WILLIAMS**

Present at the January 20, 2005 11:00 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Deputy County Attorney Jonathon Smith, Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to notice of public hearing and authorize chairman to sign. Commissioner Watne PT **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Sections 15-24-1501 and 76-15-103, M.C.A., that it will hold a public hearing to consider the application of Ray and Mara Williams of Columbia Falls, Montana, seeking the application of tax reducing benefits to the remodeling and expansion of the building at 825 13<sup>th</sup> St. West, Columbia Falls, Montana and described as the East 25 feet of Lot 7 and all of Lot 8 of Block 16 of Kennedy's Addition to Columbia Falls, Montana. If the application is granted, the new construction will be taxed at twenty percent of its taxable value in the first year after approval; in each year thereafter, the percentage will be increased by 20 percent until the full taxable value is attained in the fifth year.

The public hearing will be held on the **14<sup>th</sup> day of February, 2005, at 10:30 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Montana, Courthouse, West Annex, 800 South Main Street, Kalispell, Montana. At the public hearing, the Board of Commissioners will give members of the public an opportunity to be heard regarding the application for tax reduction of Ray and Mara Williams.

DATED this 20<sup>th</sup> day of January, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Robert W Watne PT  
Gary D. Hall, Chairman

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser  
Deputy

Publish on January 25 and February 8, 2005.

**DOCUMENT FOR SIGNATURE: TERMINATION OF PROFESSIONAL SERVICES AGREEMENT/ASST. COUNTY SURVEYOR**

Present at the January 20, 2005 11:00 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Clerk and Recorder Paula Robinson, Assistant Webb, and Clerk Moser

Commissioner Brenneman made a **motion** to approve the termination of professional services. Commissioner Watne PT **seconded** the motion. **Aye** – Watne and Brenneman. Motion carried by quorum.

**FINAL PLAT: MARION PINES, LOT 17**

Present at the January 20, 2005 11:00 A.M. Meeting were Commissioner Watne PT, Commissioner Brenneman, Planning and Zoning Interim Director Johnna Morrison, Dawn Marquardt of Marquardt Surveying, Debbie Shoemaker, Richard Walker, Assistant Webb, and Clerk Moser

Morrison reviewed the application submitted by Marquardt Surveying for final plat approval of the Amended Plat of Lot 17, Marion Pines which will change the designated use of the lot from residential to commercial. The subdivision is located on the south side of highway 2 west, approximately 20 miles west of Kalispell in Marion. The property may be described as Lot 17 Marion Pines Subdivision, in Section 14, Township 27 North, Range 24 West, P.M., Flathead County, Montana. Preliminary plat approval for this subdivision was granted on August 26, 2004 subject six conditions of approval. Staff recommends approval.

Commissioner Brenneman made a **motion** to approve the Final Plat of Amended Lot 17 Marion Pines. Commissioner Watne PT **seconded** the motion. **Aye** - Watne and Brenneman. Motion carried by quorum.

**2:00 PM Commissioner Watne to attend Health Board meeting at the Earl Bennett Building.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 24, 2005.

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